

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
MAY 16, 2005

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:00 a.m. on Monday, May 16, 2005 in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Sue Morrow
Darrell Hanson, Chair
Mary Gail Scott – arrived at 10:15
Jerry Peckumn, Vice Chair
David Petty – arrived at 10:10
Donna Buell
Lisa Davis Cook
Henry Marquard
Francis Thicke – arrived at 10:10

OATH OF OFFICE

Jeff Vonk conducted the oath of office for newly appointed Commissioners Sue Morrow, Henry Marquard, David Petty and Mary Gail Scott.

ADOPTION OF AGENDA

Motion was made by Lisa Davis-Cook to approve the agenda as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Jerry Peckumn to approve the minutes as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

ELECTION OF OFFICERS

Election of Chair

Motion was made by Donna Buell to nominate Darrell Hanson as chairperson. Seconded by Lisa Davis Cook.

Motion was made by Jerry Peckumn to cease all other nominations. Seconded by Francis Thicke. Motion carried unanimously.

DARRELL HANSON - CHAIR

Election of Vice Chair

Motion was made by Francis Thicke to nominate Jerry Peckumn as vice chair. Seconded by Lisa Davis Cook.

Motion was made by Henry Marquard to cease all other nominations. Seconded by Francis Thicke. Motion carried unanimously.

JERRY PECKUMN – VICE CHAIR

Election of Secretary

Motion was made by Jerry Peckumn to nominate Lisa Davis Cook as secretary. Seconded by Donna Buell.

Motion was made by Donna Buell to cease all other nominations. Seconded by Henry Marquard. Motion carried unanimously.

LISA DAVIS COOK - SECRETARY

DIRECTOR'S REPORT

Jeff Vonk said that the Uniform Environmental Covenants Act (UECA) was passed by the legislature. The department was proactive on this bill. This bill allows for the administration of a clean up program under the land recycling program. This bill allows us to formally place and enforce easements over the long term. This is a model bill that other states around the country are adopting. We are anticipating the Governor to sign this new bill.

The legislature passed a bill that will allow commissioners to assess penalties of up to \$25,000 before having to refer a case to the Attorney General's Office. Currently the department is capped at a \$10,000 penalty. The Attorney General's office is lobbying to veto this bill. We are unsure how the Governor will act upon this bill.

The legislature has taken some action on the department's budget, we expect a slight reduction in our general fund by \$85,000 less than what we were appropriated for last year.

The infrastructure budget gave authority for the department to bond for \$29 million dollars in construction monies in order to begin work on our destination park proposal. The estimated plan for the destination park is in the \$40-\$45 million dollar range.

I believe we have agreement in the legislature on a \$4.5 million dollar package to promote the watershed approach for water quality projects based on local, generated and organized activities. The latest version would be jointly administrated by DNR and IDALS. (Dept. of Agriculture and Land Stewardship)

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

JANE MCCALLISTER, Attorney representing CDI, LLC and their two plants in Charles City and Forest City.

At the last months EPC meeting, CDI was referred to the Attorney General's office for enforcement. One of the issues at the Forest City plant was whether the facility was operating at levels higher than the emission rates allowed by the permit. CDI said that the issue could be immediately resolved if the permit amendment that was applied for over two years ago was in fact issued by the department. If the permit amendment was given by the department that would bring them into immediate compliance. Since last month's meeting, CDI and DNR staff have been working diligently to move that permit along or so we thought. Unfortunately on May 9th, a DNR attorney advised CDI representatives that no permit would be issued in the short term because of a DNR *rule that states...if you're in violation of a DNR rule or permit than you can not be issued a new permit. This is in direct contravention to what CDI had been told in January, when we were told that DNR would continue to process the permit.

CDI is requesting that the commission please direct the department to issue a permit. The *rule that says no permit can be issued in this situation, it goes on further to say that a permit can be issued if a compliance schedule is included in the permit. We clearly believe that the department has authority to issue this permit that will bring CDI into compliance.

*rule – 22.3(1) of the Iowa Administrative Code

HAL MORTON, from Des Moines County Regional Waste Commission commented on item 9 – IAC 567 Chapter 101 Solid Waste Comprehensive Planning requirements.

A couple of years back there was discussion on this rule but because of the complexity and diversity of the state, that rule did not accommodate that diversity in planning. Because of those concerns, the department has taken on a lengthy and involved process to overhaul that rule.

The rule that is before you today does a much better job at accommodating to the diverse and complex group out there. We are very pleased with the result and believe it to be something we can work with. We encourage you to approve the final rule for Chapter 101.

SCOTT SMITH, from the Iowa Society of Solid Waste Operations thanked the department for their efforts in generating workable rulemaking on Chapter 101 - the Solid Waste Comprehensive Planning requirements. This took a lot of time and effort from the regulating community and the DNR staff. ISOSWO is in support of this rulemaking and we encourage you to approve it.

FRANK FOLSOM, citizen from Pleasantville who lives $\frac{3}{4}$ of a mile across the street from Heaberlin's hog confinement. The community has tried and still wants to do something about this confinement. There is a three mile radius around this site. Heaberlin has allowed manure to run under the road and has left dead animals in his field. There are several areas where he is not in compliance. We ask that he be referred to the Attorney General but that seems like it will not happen. In a letter dated on April 26, from Jim Stricker to Wayne Gieselman, every paragraph in this letter needs to be negotiated but the one I would like to address is that Heaberlin requested a permit for a 2,400 head facility but brought in 2,508 hogs. He had a loss of 58 but that still left him over the limit by 50 head. If I read this memo correctly, we will now be given permission to have over 2,400 head but nothing in this memo that I can see addresses more acres to take care of the actual manure. Heaberlin will have as many hogs that we can since the DNR has told me that they do not count hogs. There will be a problem with more manure than he has acres to accommodate. I would like the commission to take note on Heaberlin's MMP on page 1-1 that he signed, Heaberlin asked for 2,400 head. If he is given more than 2,400 head he will exceed the maximum pounds that his facility will accommodate. I encourage the Commission to take a hard look at this and to let Mr. Heaberlin know that he must stay within his 2,400 head limit.

JEANETTE LACEY, a small farmer from Jefferson County said that there are loop holes in the DNR for factory farmers. I believe there is common ownership/management issues between the Dale Robertson and Ryan Robertson's facilities. At the beginning of construction, Mr. Robertson stated that he is his own contractor with Tri-Oak foods where he buys his feed. Today to beat that loop hole, his hogs came from two farms in Illinois, no Tri-Oak whatsoever. When they clean the hog house in the 100 year flood plain and they pump the manure out it goes on Dale's ground. It's still common ownership and common management. I would like to see the EPC express their concerns to the DNR to clean up the loop holes. Neither Dale nor Ryan Robertson had a storm water permit for the hog confinement by my barn. He got one though right before he put the pigs in. We need to make it equal for both the large and small farmers. I will end up out of business. I would like a lot of these questions to be answered by the DNR and have the DNR investigate further.

SUSAN VANDERMOLEN, represented family farmers from Pleasant Grove South Township in Marion County said that Heaberlin's hog confinement is affecting our quality of life.

Immediately after the hog confinement went up in our neighborhood, Mr. Heaberlin moved out of our county into Warren County. He buys all of his feed, veterinary supplies and pigs from suppliers in Mahaska County. He has left our county with nothing but waste management

problems. The economic benefits have moved elsewhere. Heaberlin's MMP states that he would not exceed 2,400 hogs yet DNR records show that he put in more than 2,500 hogs in confinement back in November. He still has more than 2,400 hogs today. How did the DNR get the records from the Heaberlin site, if DNR adamantly told us that those records were confidential? If Mr. Heaberlin willing turned over those records than how do we know that they are accurate? Jim Stricker of DNR field office 5 wrote in his report referenced by Mr. Olson, that it is common for producers to exceed the numbers of their MMP. Just because the DNR has systematically ignored certain rules doesn't mean that they should continue. They are still the law. Mr. Heaberlin should be made to rewrite his MMP with additional acres designated for the land application and resubmit the plan. It is unacceptable for the DNR to help violators by updating their paperwork for them rather than enforcing the laws. We want to see the DNR hold Heaberlin and other farm operators accountable for their manure management plans. The DNR should recognize this as a violation and to fine Heaberlin. We simply ask you to consider these points as you discuss this issue later on today.

SUSAN HEATHCOTE, from the Iowa Environmental Council made comments on the Impaired Waters list. We are concerned with the water bodies that were listed in 2002 but were not on the 2004 list because of the lack of information. There should be more justification needed in order to take water bodies off the list.

Water Quality Standards Rule Revisions will be starting next month on a more official manner. These rules are supposedly directionally correct and help in making improvements in implementing the Clean Water act. We have concerns that the steps in place will not get us into compliance with the federal Clean Water Act. It's important that as we finish this project that we are in compliance with the federal Clean Water act and that we set goals for our water quality that reach the end standard rather than having an interim goal that only meets it half way. Since the bar has been set by the federal government on should be the goal for this process, anything short of that will not be satisfactory. We are working hard with the department and stakeholders to make sure that we are on the right path.

There is a stakeholder meeting on May 26th at 1:00 pm at the Air Quality Building on Hickman Road in Des Moines.

The top three priorities for Iowa Environmental Council for improving water quality standards are:

- 1) Revise the General Use designation to include the "fishable and swimmable" protections required by the Clean Water Act.
- 2) Eliminate the illegal "protected flow" provision that allows wastewater discharges that violate water quality standards when stream flow drops below the assigned "protected flow."
- 3) Develop and implement an antidegradation procedure consistent with the federal Clean Water Act.

(Three handouts were given to the Commissioners and can be located in the Department's Record Center.)

-----End of Public Participation-----

CONTRACT - PURE STRATEGIES, INC. - FOOD PROCESSING PROJECT PHASE II

Brian Tormey, Bureau Chief of the Energy & Waste Management Bureau presented the following item.

The Department requests Commission approval of a contract in an amount, not to exceed \$50,501 with Pure Strategies, Inc., to conduct the second phase of a multiple phase project that will assist in improving environmental compliance rates in the food processing industry.

The food processing sector rates second in the amount of toxic releases reported when compared to other Iowa industry sectors. As far as air quality issues, this industry contributes high levels of particulate matter, nitrous oxide (NO_x), sulfur dioxide (SO₂), volatile organic compounds and carbon monoxide. Food processing facilities place incredible demands on municipal wastewater systems in terms of volume and organic material discharged. Department field personnel have articulated this last fact as a major concern. Iowa's food processing sector also produces over 124,000,000 lbs./week of solid waste/residue, as noted in the Food Wastes Database Development, Final Report, March 1998.

These air, wastewater and solid waste problems can be caused by the fact that, in many cases, businesses are not operating as efficiently as they could be. This inefficiency results in wastes and compliance problems. The industry is not always aware of their environmental responsibilities or of the tools that may help them meet their environmental obligations. Providing the right tools and assistance to the industry can help them in meeting their compliance obligations and potentially go beyond compliance limits further reducing their liabilities.

Phase I of this project has been completed. The purpose of Phase I was to refine the project's scope and focus as well as determine the wants and needs of the industry. This was accomplished, with the assistance of a contractor, through convening an introductory stakeholder meeting, developing and conducting a baseline survey of the industry and establishing and convening an advisory committee. These activities were conducted in 2002 and due to staffing shortages were not able to continue until now.

An EPA Office of Enforcement and Compliance (OECA) grant funds 100 percent of the activities within Phase II.

The contractor will assist the Department in conducting another meeting of the project advisory committee to re-start the project. The committee will review the objectives and activities of the project and provide recommendations for its continuance. The Department will also seek the committee's assistance in marketing the activities of this Phase. These activities include:

Four workshops, that will assist the food processing industry with compliance issues, best practices, pollution prevention (or source reduction) strategies and provide an introduction to environmental management system concepts.

A two-day workshop for inspectors and the state's technical assistance providers regarding food-processing issues. This training is intended to improve inspectors' and technical assistance

providers' knowledge and understanding of the industry and improve their abilities to provide assistance.

Development of materials, brochures, and/or checklists for use by inspectors and technical assistance providers to distribute to food processors. The materials would assist food processors in improving compliance and going beyond compliance through the use of pollution prevention and environmental management systems concepts and assistance resources.

The contractor shall submit a written final report describing all activities performed, results obtained, and materials developed for the above activities as well as how those materials will be packaged and delivered to the food processing industry.

These activities be completed by the end of December 2005

The Bureau mailed copies of the request for proposals (RFP) to consultants on our mailing list and made the RFP available on our web site with supporting documents. Four proposals were received. A review team consisting of five Bureau staff reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, and budget.

Four eligible proposals were received, evaluated and scored by the review team as follows:

Consultant	Location	Score
Pure Strategies, Inc.	Reston, VA	453
SES, Inc.	Merriam, KS	447
The Forrester Group	Springfield, MO	396
Amethyst Group, Inc.	Springfield, IL	311

After reviewing the proposals, the review committee selected Pure Strategies, Inc. The reasons for the selection were:

- Pure Strategies, Inc.'s assembled a knowledgeable team with extensive experience in facilitating workshops regarding compliance assistance, pollution prevention strategies and environmental management systems.
- Pure Strategies, Inc. was the contractor for Phase I and has extensive knowledge of the project's goals and objectives. Their understanding of Iowa's food processing industry will be beneficial in conveying various approaches to assisting industry, while also being able to facilitate discussions with diverse perspectives.
- Pure Strategies, Inc. proposed a clear approach to accomplishing the activities outlined in the RFP, while offering suggestions to improve outreach to the food processing industry.

At this time, the Department requests Commission approval to enter into a contract with Pure Strategies, Inc. to facilitate and conduct:

- A food processing advisory committee meeting;
- Four food processing industry workshops;
- A food processing workshop for inspectors and technical assistance providers;

- Develop educational/informational materials for food processors; and
- Prepare a final report on activities of Phase II.

Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

REGIONAL COLLECTION CENTER ESTABLISHMENT GRANTS – CONTRACT RECOMMENDATIONS

Brian Tormey, Chief of the Energy and Waste Management Bureau presented the following item.

The Department received seven (7) applications requesting \$504,565 in financial assistance for consideration during the May 2005 round of funding through the Regional Collection Center Establishment Grant Program. Six (6) of the seven (7) applicant projects were recommended for funding. A total of \$348,288 in establishment grant assistance is recommended.

Five counties will be added to the list of counties provided with on-going hazardous materials education and proper disposal. The total number of counties provided regional collection center service and benefits will increase to seventy-one (71) statewide. Applications recommended for funding include three (3) new regional collection centers providing service to an additional five (5) counties, and four (4) facility and service expansions by existing regional collection centers.

BACKGROUND

Regional Collection Centers are permanent facilities that provide hazardous waste management education and on-going access to proper disposal of hazardous materials generated by conditionally exempt small quantity generator businesses and urban and rural households. Funding for the Regional Collection Center program is provided through a portion of the solid waste tonnage fee.

Since 1994, 16 regional collection centers are currently sited across Iowa. Thirteen (13) of these facilities are currently operating and the remaining three (3) RCCs are anticipated to be operational in fall 2005. Ten (10) of the regional collection centers currently operate a mobile collection unit and the remaining five (5) anticipate incorporating a mobile collection unit in the near future. Mobile collection units allow the operating agency to host a hazardous waste clean-up event in every town in their service area. By holding these events in each town, local participation significantly increases by decreasing the travel times for participants. The Department supports the use of mobile collection units with all regional collection centers.

In fiscal year 2005, regional collection centers received hazardous waste from more than 29,436 households and conditionally exempt small quantity generators. Nearly 2,496,653 pounds of hazardous wastes was collected for proper management and disposal. At least 1,533,798 lbs of hazardous materials were managed locally (i.e. latex paint, used oil, and lead-acid batteries were managed locally for recycling or reuse). Hazardous waste not managed locally was contracted with a hazardous waste company for proper disposal or recycling.

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants subject to applicant receipt of the required solid waste permit or permit amendment.

A description of each recommended proposal is attached followed by a description of the proposal received but not recommended for funding.

**Regional Collection Center Program
2005 – Review Team Recommendations**

The following provides a brief description of the RCC establishment grant applications recommended for funding.

Applicant	Cass County Environmental Control Agency		
	65928 Jackson Road		
	Atlantic, Iowa 50022		
Award Amount:	\$27,597	Contact:	Wendy Wittrock (712) 243-1991
Cost Share Amount:	\$21,500		
Description: This application is to establish a new regional collection satellite center providing proper disposal opportunities and HHM education for Cass County. Materials collected at this new facility will be transported to the RCC in Union County for final packaging and storage awaiting pick-up by a hazardous waste contractor. The facility will serve approximately 6,590 households and 120 conditionally exempt small quantity generator businesses.			

Applicant	Metro Waste Authority		
	300 E. Locust		
	Des Moines, IA 50309		
Award Amount:	\$32,194	Contact:	Judi Mendenhall (515) 967-5512
Cost Share Amount:	\$44,927		
Description: To establish a satellite RCC facility in Indianola serving Warren County and southern Polk County residents and conditionally exempt small quantity generator businesses. It is anticipated that an additional 610 residents will participate from the South Central Iowa Landfill Agency service area (Warren and Madison Counties).			

Applicant	Iowa City Landfill and Recycling Center		
	3900 Hebl Ave. SW		
	Iowa City, IA 52240		
Award Amount:	\$54,765	Contact:	Dave Elias (319) 356-5170
Cost Share Amount:	\$65,160		
Description: To establish a mobile collection unit in Johnson County. HHM collections from CESQG will increase from 49 participants and 9556 lbs to 96 businesses and approximately 18,000 lbs of hazardous waste annually. Small community events will increase approximately 56%, or 68 households per month with a total of 31,000 lbs of HHW per year.			

Applicant	Dickinson County Landfill Commission
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	1107 S. Hwy. 71		
	Arnolds Park, Ia 51331		
Award Amount:	\$83,049	Contact:	Ron Walker (712) 332-2341
Cost Share Amount:	\$19,899		
Description: This application is to establish a new regional collection satellite center providing proper disposal opportunities and HHM education for Dickinson County. A hazardous waste contractor will dispose of materials collected at this new facility. The facility will serve approximately 11,375 households and 50 conditionally exempt small quantity generator businesses. This is the first RCC in Upper Northwest Iowa.			

Applicant	Wayne-Ringgold-Decatur		
	21377 125 th Avenue		
	Grand River, Iowa 50108		
Award Amount:	\$96,908	Contact:	Karen Denny (641) 773-5229
Cost Share Amount:	\$78,250		
Description: This application is to establish a new regional collection satellite center providing proper disposal opportunities and HHM education for Wayne, Ringgold, and Decatur Counties. Materials collected at this new facility will be transported to the RCC in Union County for final packaging and storage awaiting pick-up by a hazardous waste contractor. The facility will serve approximately 20,700 residents and 166 conditionally exempt small quantity generator businesses.			

Applicant	Clinton County Area Solid Waste Agency		
	4292 220 th Street, P.O. Box 996		
	Clinton, Iowa 52773-0996		
Award Amount:	\$ 51,225	Contact:	Laura Liegois (563) 243-4749
Cost Share Amount:	\$17,250		
Description: Clinton County RCC is requesting funds to expand their current RCC operations by adding a new building, and opening a swap shop for their four county service area. This is one of the original RCC's started in 1995. This grant will increase the RCC base of operations, and increase the collection of the mobile unit. They serve 105,000 people in four counties. They have collected 4,470,000 lbs of hazardous materials from over 10,000 households in the last 10 years. In 2004 they increased service to over 1431 households and 185 businesses.			

Application Not Recommended for Funding

Applicant	Floyd, Mitchell, Chickasaw Solid Waste Management Agency		
	3354 330 th St.		
	Elma, Iowa 50628		
Request Amount:	\$100,00	Contact:	Ken Hiemendinger (877) –982-4288
Description: Floyd, Mitchell, Chickasaw Landfill also submitted a grant request for \$100,000. FMC was not recommended for funding. FMC would like to expand their RCC operations upon conclusion of their current disposal contract. Since the contract does not expire until Dec. 2006, it was concluded that FMC could continue to operate at their present capacity until the contract expired. FMC was encouraged to re-apply in 2006, when their plans are more concrete, and expansion is imminent.			

Motion was made by Francis Thicke to approve the contract as presented. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – RDG PLANNING & DESIGN — RESEARCH AND DESIGN OF AFFORDABLE HIGHLY ENERGY EFFICIENT HOMES

Al Goldberg, of the Energy and Waste Management Bureau presented the following item.

The Department received a grant from the U.S. Department of Energy (US-DOE) Building America Program in the amount of \$100,000. Pursuant to a portion of the work that is to be done under that grant, the Department intends to execute a contract, in the amount of \$38,500 with RDG Planning & Design, which will provide an additional \$40,000 worth of Cost Share.

The Building America Program is dedicated to the development and improvement of new and existing residential structures for higher quality, energy efficient housing. Building America promotes systems engineering technologies incorporated into a ‘whole building’ approach to produce houses with energy efficiency 40% to 70% better than similar houses built to regular building codes. This contract is for research into, and creation of, a model home design that not only meets that energy efficiency goal, but which will also have a production unit price of from \$90,000 to \$150,000. To verify the energy efficiency and production costs of the proposed model home design, part of this contract is for construction management services for a prototype house to be built to those specifications under a separate subsequent contract.

As a condition of the grant, the Department and RDG Planning & Design will also partner with Building America’s Consortium for Advanced Residential Buildings (CARB) for technical assistance without charge to this contract. CARB’s review and advice services for the total project, including the subsequent construction of a prototype house not covered by this contract, will be worth approximately \$35,000 in total additional Cost Share. About 55% of the total project is covered by this contract, which means CARB’s Cost Share here is approximately \$19,375.

For this contract and committed Cost Share:

DNR Contract Value	Cost Share Providers
\$38,500	RDG Planning & Design: \$40,000
	CARB: \$19,375

The Department requests the Commission's approval to enter into a contract with RDG Planning & Design. A description of the project and its funding is attached.

**US-DOE - Building America Program Grant-Funded Project:
Research & Design of Affordable Highly Energy Efficient Homes – May 2005**

The Department's goal is to investigate and help develop the affordable implementation of advanced, highly energy efficient technologies for home design in Iowa today. The Department received a grant from the US-DOE Building America Program in the amount of \$100,000. Pursuant to a part of the work for that grant, the Department intends to execute a contract, in the amount of \$38,500 with RDG Planning & Design. RDG Planning & Design is a leader in the sustainable design community in Iowa that produces structures that will deliver substantial energy savings, will be very low maintenance, cost less to build, and offer more healthy and comfortable interior environments. To verify the energy efficiency and production costs of the proposed model home design, part of this contract is for construction management services for a prototype house to be built to those specifications under a separate subsequent contract.

RDG Planning & Design has determined that its Cost Share contribution for its research and technical design will equal \$40,000.

The following provides a brief description of the project and the funding amounts.

CONTRACT RECOMMENDATION ABOVE \$25,000

RDG Planning & Design		Contract Amount:	\$38,500
301 Grand Avenue		Total Contracted Cost Share:	\$40,000
Des Moines, IA 50309			
		Cash Cost Share:	\$0
		In-Kind Cost Share:	\$40,000
Total Contracted Project Cost:			\$78,500
Project Title:	Research and Design of Affordable Highly Energy Efficient Homes		
Contact:	Kevin R. Nordmeyer, AIA	Phone:	515-288-3141

Applicant: RDG Planning & Design

Description: The US-DOE Building America Program is an industry-driven, Cost-Shared program for development and improvement of new and existing residential structures that result in higher quality, energy efficient housing. Systems engineering approaches are researched and promoted to improve production techniques, products, and technologies while maintaining profitability and competitiveness of homebuilders and product suppliers. The primary function of the Building America Program is research, technology implementation, and technical support for making houses more energy efficient. When these systems engineering technologies are incorporated into a ‘whole building’ approach, they are expected to produce a house that readily meets the Building America criterion of energy efficiency 40% to 70% better than similar houses built to regular building codes.

Work under this contract is for research to go toward analysis and evaluation of technologies for the creation of a model home design that not only meets the energy efficiency goal, but that will also have a production unit price of from \$90,000 to \$150,000. The objective is to make buying a home more economical (and environmentally amenable) both in the long-term for its energy-efficient operation, and in the immediate term for its relatively affordable purchase cost.

A condition of the grant requires the Department and RDG Planning & Design to partner with Building America’s Consortium for Advanced Residential Buildings (CARB) for technical assistance. CARB has extensive experience with “whole house” technologies directed at producing affordable, highly energy efficient model home designs. RDG Planning & Design will also provide construction management services for the building of a prototype house done to the specifications of the Building America “whole house” design to verify the energy efficiency and production costs. CARB will also provide additional technical assistance then.

Target Area: State-wide

Al Goldberg said that this is half of the contract. The other half will be with the Iowa Community College of Fort Dodge. They have an innovative school of carpentry and they will be the ones who construct the house. This will be displayed as an affordable, energy efficient house in the Fort Dodge area. Our goal would be for the building industry to begin building affordable, energy efficient homes across Iowa.

Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – DES MOINES AREA COMMUNITY COLLEGE – INITIATE AND OPERATE AN ONSITE WASTEWATER TRAINING CENTER

Daniel Olson, Environmental Specialist in the Water Quality Bureau presented the following item.

The Department requests Commission approval of a contract in the amount of \$110,000 with the Des Moines Area Community College (DMACC) to initiate and operate an onsite wastewater training center.

Under this contract a site will be developed on the campus of DMACC to train sanitarians, installation contractors and other industry stakeholders in the proper installation and use of onsite wastewater (septic systems) technologies. Examples of most basic components as well as many proprietary units used in the onsite industry will be installed and used for demonstration purposes. No actual wastewater will be used at this site. Only fresh water will be used to demonstrate the functions. All proprietary units will be donated and installed by the manufacturers. An advisory committee is established to assist DMACC to create and produce curriculum materials as well as lay out the training site. At least 10 training workshops will be conducted under this contract. County sanitarians will be able to attend for established minimum registration fees. The Iowa Onsite WasteWater Association will play an active role in both the advisory committee and in providing technical and organizational expertise. The intent is that the training center will continue to function long after this contract expires.

The funds for this contract come from a grant from the EPA 319 Watershed program.

DMACC was chosen for this contract because of their central location in the state, their experience and expertise working with similar organizations and training programs and their willingness to provide an acceptable site on their campus.

Contract Excerpt: ARTICLE 5. SCOPE OF SERVICES

5.1 Scope of Services. DMACC shall provide the following services in accordance with the defined performance criteria as set forth below:

5.2 Hands-On Training Site

DMACC shall make available an area of approximately two acres to place examples of onsite wastewater treatment equipment. DMACC shall be responsible to make adequate water available on the site for training session needs and to provide weather tight electrical outlets to within 75 feet of any point in this area. DMACC shall be responsible for maintenance of this site including grass mowing and snow removal as required. This site shall be available for the length of the contract and any extensions for a potential total of 10 years.

The training site must include access to at least one classroom for in-class training based on mutual scheduling demands. One class room must have internet access and space for at least 32 students. Classroom space for larger groups maybe required for certain workshops and shall be provided based on room availability.

The contract shall propose how the funding will be used to construct and support the training site. Potential technologies that may be incorporated at the site are listed in Attachment #1.

DMACC shall provide a walking bridge across the ravine between the classrooms and the training site. DMACC shall be responsible for all mowing and other maintenance to maintain the training site. DMACC shall provide temporary storage in existing space for equipment and supplies until arrangements are made for a permanent mobile or fixed storage facility to be located on DMACC campus if funds remain under this contract or when additional funding is secured.

The training center site may be used by other organizations or institutions based on approval of both DMACC and the IDNR. A rental fee may be charged.

5.3 Training and Materials

DMACC will be expected to prepare innovative, high quality training materials and presentations of a professional level based on information provided by the DNR and the Advisory Committee. The training shall cover all information applicable to ensure that the EHS's and the WIC's are competent in onsite wastewater construction technology. This information is listed in the Essential Elements for Sanitarian and Contractor Onsite Wastewater Training (Attachment #2). The advisory committee will also provide expertise to help develop curriculum.

The IDNR and DMACC logos as well as logos of other sponsoring organizations will appear on all training materials. The draft and final materials will be reviewed and approved by the advisory committee prior to conducting the training sessions. The materials shall include but not be limited to:

Power Point presentation for the workshops
hand outs for the participants

5.4 Workshops

DMACC is expected to conduct workshops with at least six hours of classroom training each. The workshops should be designed for no fewer than twelve people. The number of participants in each workshop should be limited to no more than thirty-two to provide sufficient personalized training for the participants.

DMACC will hold a minimum of 10 workshops for the duration of the contract. Workshops should be scheduled to include training sessions on one or two full weekdays. Up to four of the trainings may be at remote sites around the state. Training locations (cities) and the number of workshops will be arranged in conjunction with the advisory committee. For regional workshops outside of central Iowa, DMACC shall work cooperatively with the local community college. DMACC will be responsible for arranging for the facilities and the necessary presentation equipment for each workshop.

DMACC shall work with the advisory committee to design the workshops. Topics may be suggested by DMACC or the committee.

If the Department determines additional workshops are needed, DMACC will conduct the additional workshops for a cost covering labor, materials and other related expenses agreed upon by both parties through a contract amendment.

The workshops shall cost no more than \$25 per day for EHS's including noon meals and break refreshments. Participants will be responsible for travel, food, lodging or any other cost associated with attending the workshops. DMACC shall allow any Department staff members to audit any or all of the workshops at no cost. No more than two DNR staff will be present at any session.

DMACC shall coordinate workshops and conferences, handling registrations, room reservations, brochure development, workshop evaluations and awarding of continuing education units. IOOWA and the Department will provide mailing labels for potential participants.

DMACC shall provide preliminary registration lists to the IDNR to enable the Department staff to recruit more participants from unrepresented areas of the state. DMACC will also provide a final list of all participants for each training workshop.

At the conclusion of each workshop, each participant will be given an evaluation form and required to complete and return it to DMACC. The evaluation form will solicit information from the participants relative to the value of the training. DMACC will use this evaluation form to assess the effectiveness of both the training materials and the trainer. This information shall be shared with the department and shall be used to modify the subsequent sessions for improvement of the training and the trainer, where appropriate.

Iowa Department of Natural Resources shall:

- Fund the agreement with \$110,000 plus any additional monies obtained relating to the outlined training.
- Provide a staff person to serve on the Advisory Committee and serve as liaison between DMACC and the Department.
- Establish an Advisory Committee to assist DMACC with the training project made up of:
 - Four members of the Iowa Onsite Waste Water Association
 - One representative of the Iowa Department of Public Health
 - One representative from the Iowa Environmental Health Association
 - The Departmental representative

The Advisory Committee shall:

- Assist DMACC in identifying suppliers and contractors to donate all proprietary equipment and most installation of their equipment as in-kind contributions.
- Help with layout and design of training site
- Assist with the identification and development of curriculum materials.
- Identify appropriate training topics and potential instructors.
- Assist with the promotion of all workshops throughout the state.

Participation by IOWWA. IOWWA should play a strong partnership role in this training program. The Department expects DMACC to work out a partnership arrangement with IOWWA to share some of the financial resources from the grant or registration income with IOWWA in exchange for the association's technical and organizational expertise and input.

Industry Standards. Services rendered pursuant to this Contract shall be performed in a professional and workmanlike manner in accordance with the terms of this Contract and the standards of performance considered generally acceptable in the education and professional training profession for similar tasks and projects. In the absence of a detailed specification for the performance of any portion of this Contract, the parties agree that the applicable specification shall be the generally accepted industry standard.

Non-Exclusive Rights. This Contract is not exclusive. The Department reserves the right to select other contractors to provide services similar or identical to the Scope of Services described in this Contract during the term of this Contract.

5.10 Key Personnel. If for any reason substitution of key personnel becomes necessary, DMACC shall provide immediate written notification of such to the Department. DMACC shall provide the name and a resume of qualifications for the replacement individual. Any replacement shall be subject to the approval of the Department.

Motion was made by Donna Buell to approve the contract w/ DMACC as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

**FINAL RULE - AMEND IOWA ADMINISTRATIVE CODE 567 – CHAPTER 101;
“SOLID WASTE COMPREHENSIVE PLANNING REQUIREMENTS”**

Chad A. Stobbe, of the Energy and Waste Management Bureau presented the following item.

The Commission is requested to approve the attached Final Rule amending IAC 567—Chapter 101. The Notice of Intended Action for this rulemaking was approved by the Commission in February 2005.

The request for action on this rule chapter is to incorporate minor amendments, which clarify existing rule and incorporate input and recommendations received throughout the last comprehensive planning cycle and the rule revision process.

These amendments will:

- ◆ Streamline the planning process by consolidating referenced requirements and clarifying planning procedures.
- ◆ Have the potential to reduce costs to the regulated community through a simplified plan by decreasing the development and submittal time.
- ◆ Enable planning areas to focus on program implementation, rather than the completion of solid waste comprehensive plans.
- ◆ Result in shorter comprehensive plan review and approval times by department staff.

A public hearing was held on April 6, 2005 via six Iowa Communications Network sites. Comments were received and a few changes made to the Final Rule as shown in the Responsiveness Summary.

The Commission is requested to approve this Final Rule.

Motion was made by Lisa Davis Cook to approve the final rule as presented. Seconded by Jerry Peckum. Motion carried unanimously.

APPROVED AS PRESENTED

**AMENDMENTS TO CHAPTER 53 PROTECTED WATER SOURCE: TERMINATION OF
REGULAR RULEMAKING PROCEEDINGS**

Chuck Corell, Chief of the Water Quality Bureau presented the following item.

The rules in Chapter 53 describe the purpose and procedures for designating specific surface water and groundwater sources as protected sources. This includes the special information that may be required of applicants for permits to withdraw water from such sources and conditions that may be applied to approve permits. Those protected sources so designated by rule are also listed.

The Department received a petition for rulemaking from American Chemical Company and Getty Chemical Company (ACC/GCC), the companies or entity responsible for the cleanup of groundwater at the Chemplex Superfund site near Clinton. The petition requested that the department designate the site and an area down gradient from the site as a protected groundwater source under Chapter 567 IAC 53. In response to the petition, the department has initiated the formal rule making process to designate this area as a protected groundwater source.

At the January 2005 meeting the Commission approved the Notice of Intended Action for a proposed rule amendment to Chapter 53 Protected Water Source. The Notice of Intended Action was published on February 16, 2005 as ARC 4003B. A public hearing was held on March 10, 2005 in Camanche on the proposed rulemaking. Primarily negative reaction to the Proposed Chapter 53 designation was received at the hearing. In response to a request from the City of Camanche, the public comment period was extended to May 2, 2005. The U.S. Environmental Protection Agency held a public availability session on April 12, 2005 in Camanche on related matters. Substantial local opposition to the Chapter 53 rulemaking was received at that meeting, including a petition signed by 124 residents of the area.

Chuck Corell said there were two main points coming from the public comment: 1) The site was not going to be cleaned up nor did they think that it would. 2) They did not like the restrictions on the aquifer that could/would prohibit them from putting in a private well sometime in the future.

Due to the public response in opposition to this amendment, the Commission is requested to terminate the proposed amendment.

Motion was made by Jerry Peckumn to terminate Chapter 53 as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

AMENDMENTS TO CHAPTERS 60, 63, 64 AND 65 – CAFO REGULATIONS: TERMINATION OF REGULAR RULE MAKING PROCEEDINGS

Gene Tinker, Animal Feeding Operations Coordinator of the Environmental Services Division presented the following item.

At its September, 2004 meeting the Commission approved the Notice of Intended Action for proposed rules to amend 567 Iowa Administrative Code Chapters 60, 63, 64 and 65. The purpose of the amendments was to conform Iowa's regulation of "concentrated animal feeding operations" to amended regulations adopted by the U.S. Environmental Protection Agency. A considerable portion of the amendments relate to Iowa's administration of the National Pollutant Discharge Elimination System, associated definitions and classification of animal feeding operations.

The Notice of Intended Action was published on October 13, 2004 as ARC 3736B. Five public hearings were held across the state during the first week of November, 2004 and written comments were received. A small business regulatory analysis was also requested for the rules.

A court ruling has since been issued on challenges to EPA's amended regulations pertaining to concentrated feeding operations. The results of the court ruling will require changes in EPA's rules, which in turn will affect the rules needed for the state of Iowa. Due to the need for expected changes to these amendments and the 180 day requirement for adoption of proposed rules, the Commission is requested to terminate the proposed amendments. We will be back with a revised version of CAFO regulations once EPA has decided and put out for final rule what the requirements will be.

Lisa Davis Cook asked if it would be valuable to have a rule on the books until EPA comes out with the final rule.

Gene Tinker said that there would be significant changes to our rule package so to make those significant changes, they would need to go out for public comment. We will come back with some proposed rules on the items that were indicated in the second courts decisions. Those apparently will be upheld. EPA is planning to have a draft rulemaking package out by the end of the year. So with the proposed agenda that the EPA has, my indication is that by mid-2007 we will have to have something on the books.

Donna Buell asked why we wouldn't move forward with everything else that we know regarding this rulemaking?

Gene Tinker said that he would like to do all of the rulemaking in one package if possible as opposed to a number of small rule packages. If the Commission feels we should move forward with what we do know for fact, we could do that. My concern is that EPA could make some additional changes to their rule package, that would then put us out of compliance. This could also confuse the agriculture industry.

<i>Motion was made by David Petty to approve the termination of Chapters 60,63,64 and 65 as presented. Seconded by Donna Buell.</i>

Donna Buell said that we should move forward with what we know even if it means two smaller rule packages rather than waiting two years.

Gene Tinker suspected that we will be back soon addressing that issue.

Darrell Hanson said that he is in favor of getting the rulemaking package done at once, in order to lessen the confusion amongst those it will affect.

Lisa Davis Cook said that we should address the issues that we know for a fact will become final rule and get those rules on the book.

Henry Marquard agreed with Lisa Davis Cook on moving forward with the rules that we know EPA has finalized. It would be better to have some rules rather than all of them in limbo for two years.

David Petty said that we still have the original framework of the EPA's decisions to come back in December. It's only certain issues that have been pulled. Everything else is still in place.

Ed Tormey said that we have current rules on the books that would allow us to require operation permits for discharges on a case by case basis. IAC 567 - 65.5 That rule requires that certain criteria has to be met before an operation permit can be required.

Motion carried unanimously.

APPROVED AS PRESENTED

AIR QUALITY - TITLE V FEE SFY 2006 BUDGET

Wendy Rains, Environmental Specialist Senior of the Air Quality Bureau presented the following item.

The Commission is asked to approve the attached Title V Operating Permit budget establishing the annual Title V fee at \$31.60 per ton air pollution emitted from Title V Operating Permit subject sources. This represents a \$.65 per ton decrease compared to the current fiscal year. The fee decrease is primarily a result of the anticipated conclusion of the one-time project to web enable the State Permitting and Air Reporting System (SPARS).

Title V Budget Changes - The final Title V budget reflects changes from the draft budget presented to the Commission in March in the following significant areas: an increase in actual tons of air emissions reported by facilities for calendar year 2004, realignment of expenses by FTE in both 7220 and 7230, an increase in the UHL contract amount under Professional Services and shifting of an additional FTE from cost center 7220 to 7230. The first FTE shift from 7220 to 7230 was in response to an anticipated increase in major source activity in stack testing due the renewal of the Title V operating permits. The second FTE shift is due to a lack of funds in 7220. A construction permit engineer will be shifted from minor source permitting to major source permitting. This shift is anticipated to result in an increased turnaround time of standard construction permits while providing a modest decrease in the complex permit turnaround time. Finally, a portion of a supervisor was shifted from 7220 to 7230 to correspond with the work activity level.

Total Title V Fund expenditures are proposed to be increased from the current SFY 2005 budget levels by \$613,673 or 8% in the SFY 2006 budget. The majority of the increased cost is associated with increased personnel costs, professional services costs, and IT hardware costs. See the attached document for more details on changes from the draft budget presented in March.

Balance Forward Funds - The Bureau has been working each year since the program's inception to develop a budget that more accurately reflects the amount of funding required to implement the Title V program. The Air Quality Bureau budget is planned each year with fee payer approval to have up to a one percent reserve in carry forward Title V funds. The Bureau is estimating a balance carry forward in SFY 2006 of \$42,497. This is considered to be an adequate margin to offset factors such as higher than expected expenses, changes in the actual emissions reported, and reimbursement of fees to companies that may have over paid Title V fees in previous years.

Air Quality Funding Sources and Cost Centers - The Air Quality Bureau budget is divided into three primary areas: Air Quality Program, Air Title V Program, and PM2.5 Monitoring. Expenditures in the two primary program areas (Air Quality Program and Air Title V) are divided between multiple expenditure (cost center) accounts and a variety of funding sources as listed in Table 1.

Table1. Summary of Cost Centers and Funding Sources

Program Area	Expenditures (Cost Center)	Funding Source*
Air Quality Program includes:		
Air Quality central office base program	7220	CAA 105 & GF
Air Quality field office base program	7419	CAA 105 & GF
Air Title V includes:		
	1430	TV Fees
Legal Services	1556	TV Fees
Title V Information & Education		
Title V Operating Permit Program	7230	TV Fees
Title V Field Program	7421	TV Fees
PM 2.5 Monitoring includes:		
PM 2.5 Monitoring network	7240	CAA 103

- * CAA 105 – Clean Air Act section 105 grant with a state match required
 CAA 103 – Clean Air Act section 103 grant with no state match required
 GF – Legislatively appropriated General Funds
 TV Fees – Title V fees

Clean Air Act section 105 money is awarded to the department through a Performance Partnership Grant (PPG) with the EPA. The PPG is the financial component of the Performance Partnership Agreement (PPA) that the department negotiates with the EPA on a two-year cycle. The PPA contains the mutually agreed upon goals that the EPA and DNR will work together to achieve during the two year agreement period. For air quality, the tasks that must be accomplished to achieve the agreed upon goals are contained in the 105 work plan, which is an attachment to the PPA. No Title V money is included in the PPG.

Clean Air Act section 103 money is awarded separately from the PPG. The grant funds air pollutant monitoring and analysis. This grant is intended to establish ambient air monitoring

networks. After a period of time, the DNR is expected to provide funding for the on-going operation. Given the nature of this grant, funding priorities change over the years. This grant currently funds ambient air monitoring of particulate matter smaller than 2.5 microns (PM 2.5).

Wendy Rains said that the livestock air monitoring costs have decreased. These costs are still in question, since they must be approved by the legislature.

Motion was made by Lisa Davis Cook to approve the Air Quality Title V budget as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE: AIR QUALITY PROGRAM RULES CHAPTERS 20, 21, 22, 23 AND 25, UPDATES, REVISIONS, AND ADDITIONS

Christine Paulson, Senior Environmental Specialist of the Air Quality Bureau presented the following item.

The Commission will be asked to approve amendments to Chapter 20 “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 21 “Compliance,” Chapter 22 “Controlling Pollution,” Chapter 23 “Emission Standards for Contaminants,” and Chapter 25 “Measurement of Emissions” of the 567 Iowa Administrative Code.

A public hearing was held on April 19, 2005, at the Air Quality Bureau offices. No comments were received at the public hearing. Two written comments were received prior to the close of the public comment period. The public comment period closed on April 25, 2005. Responses to the written comments are provided on the attached responsiveness summary.

The department made only minor corrections to the proposed rules presented in the Notice of Intended Action.

This rulemaking provides the following updates, revisions, and additions:

- Adds a definition in Chapter 20 for “untreated” as it relates to wood, seeds, pellets and other vegetative matter. This definition is being added to clarify that untreated wood includes only wood or wood products that have not been treated with compounds such as paint, pigment-stain, adhesive, varnish, lacquer, or resin, or that have not been pressure treated with compounds such as chromate copper acetate, pentachlorophenol or creosote. Untreated seeds, pellets or other vegetative matter includes only seeds, pellets or other vegetative matter that have not been treated with pesticides or fungicides. (Item 1)
- Updates the definition in Chapter 20 of “volatile organic compound,” also known as VOC, to reflect the most recent federal register amendment date. The U.S. Environmental Protection Agency (EPA) amended the federal rules to remove four substances previously classified as VOC – HFE-7000, HFE-7500, HFC 227ea and methyl formate. EPA also revised the VOC

classification for an additional substance, t-Butyl Acetate, also known as TBAC. The revision modifies the definition of VOC to say that TBAC will not be a VOC for purposes of emission limitations or material content requirements, but will be reported separately for purposes of recordkeeping, photochemical dispersion modeling, emissions reporting and inventory requirements. (Item 2)

- Provides clarification in the variance rules under paragraph 21.2(3)"a". These are the provisions for granting a variance for the purpose of testing an alternative fuel. This change will more clearly explain that a project subject to certain federal requirements may not obtain a variance from air quality rules. (Item 3)

Both the written comments to the Notice of Intended Action were made in regard to this item. The department agrees with the commenters' contentions that the current rule could be construed to allow variances from federal requirements, such as Prevention of Significant Deterioration (PSD). This was not the department's intent, and is not consistent with the department's past and current practice for granting variances.

The current variance rules for testing alternative fuels were published in the Iowa Administrative Bulletin as ARC 2774B, and were adopted into the Iowa Administrative Code, on September 17, 2003. EPA Region VII will not approve the September 2003 rule amendments into Iowa's State Implementation Plan (SIP), and requested that the department proceed with a rulemaking to correct this language. The department proposed the amendments in the Notice of Intended Action to make clear that the department cannot grant variances from certain federal requirements. The department intends to proceed with the rule amendments as proposed.

- Provides clarification in Chapter 22 under subrule 22.1(3) for construction permit applications. This rule specifies the qualifications for engineers preparing and submitting applications. The proposed rules replace the word "registered" with the word "licensed." This change is to make the wording consistent with Iowa Code 542B.1, in which "registered" was replaced with "licensed" in 1995. The proposed rules now require that engineers submitting applications be professional engineers licensed in the state, or be full-time employees of the corporation submitting the application, consistent with the provisions of Iowa Code 542B.26. (Item 4)
- Provides clarification to the requirements for notification of ownership change for construction permits by adding the mailing address for the department's Air Quality Bureau offices. (Item 5)
- Amends the definition of "hazardous air pollutant" under the Title V rules in rule 22.100. EPA published a final rule to delete ethylene glycol ether from the list of hazardous air pollutants (commonly known as HAPs). The proposed change to 22.100 will state that ethylene glycol ether is no longer included in the group of glycol ethers that are considered to be HAPs. The references to the Code of Federal Regulations (CFR) in 22.100 are also updated to reflect the most current federal amendment date. (Item 6)

- Updates the Title V and acid rain program rules in Chapter 22 to reflect the most current amendment dates to the CFR (Item 7, Item 8, Items 10-19 and Items 21-27).
- Changes the requirements for submitting Title V Operating Permit applications, under rule 22.105, to reduce the number of copies required from four copies to three copies, and to specify the offices where each copy must be mailed (Item 9).
- Changes the requirements under subrule 22.128(4) for acid rain applications to reduce the number of copies required to be submitted from four copies to three copies (Item 20).
- Adds a new rule 22.209 to specify the information that must be submitted when there is a change of ownership for a facility with a voluntary operating permit (Item 28).
- Adds a new rule 22.300 to specify the information that must be submitted when there is a change in ownership for a facility with an operating permit by rule for small sources. (Item 29)
- Amends Chapter 23 with the most current federal amendment date to 40 CFR Part 60 for the new source performance standards (commonly known as NSPS). Of note is EPA's amendment to the NSPS for stationary combustion turbines. The EPA amendments codify several alternative testing methods that EPA had routinely approved, and reflect changes in nitrogen oxide emission control technologies and turbine design. (Item 30)
- Amends Chapter 23 for emission standards for hazardous air pollutants (commonly known as NESHAP) to reflect the most current amendment date to 40 CFR Part 61. The amendments to Part 61 consisted of minor corrections, additions and administrative changes. (Item 31)
- Amends Chapter 23 for the most current federal amendment date of the NESHAPs contained in 40 CFR Part 63 (Item 32). The substantive changes to the federal rules include the following actions:
 - EPA amended the NESHAP commonly known as Hazardous Organic NESHAP or HON to allow vapor balancing in conjunction with the use of pressure setting to comply with the storage tank control requirements.
 - EPA amended the NESHAP for chrome emissions from hard and decorative chromium electroplating and chromium anodizing tanks to amend the emission limits, definitions, compliance provisions and performance testing requirements.
 - EPA amended the compliance requirements under the NESHAP for solvent extraction for vegetable oil production. For processes that exclusively use a qualifying low-HAP solvent, the amendments allow only the necessary recordkeeping and reporting requirements to demonstrate compliance.
 - EPA issued a stay on the effectiveness of rule requirements for two subcategories of turbines regulated under the stationary combustion turbine NESHAP – lean premix

gas-fired turbines and diffusion flame gas-fired turbines. The stay is pending the outcome of EPA's proposal to delete these subcategories from the rule.

- Adopts by reference four new, recently promulgated federal NESHAPs (Item 33). The new NESHAPs regulate these source categories:
 - Plywood and composite wood products;
 - Surface coating of plastic parts and products;
 - Stationary reciprocating internal combustion engines; and
 - Industrial, commercial and institutional boilers and process heaters.

In the proposed amendments for adoption, a correction is being made to clarify the official federal acronym for reciprocating internal combustion engines, which is RICE.

- Updates the rules in Chapter 25 for performance evaluations of continuous monitoring systems to reflect the most current CFR amendment dates. (Item 34)

In the proposed amendments for adoption, an additional modification is being made to reflect the most current amendment date for 40 CFR Part 60, Appendix A.

Motion was made by Jerry Peckumn to approve the final rule as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

IOWA'S FINAL 2004 IMPAIRED WATERS LIST FOR SUBMITTAL TO EPA

Chris Van Gorp, of the Iowa Geologic Survey & Land Quality Bureau presented the following item.

The following is presented to the Commission for their information prior to submittal to EPA for approval.

The Commission was presented with the Draft 2004 List of Impaired Waters at the February 21, 2005 EPC meeting. This list is prepared to meet the requirements of the federal Clean Water Act Section 303(d). The 2004 draft list included 211 waterbodies.

Public comments were received on the draft list from February 21 through April 15, 2005. Comments were received from 6 sources: Iowa Environmental Council, Iowa Farm Bureau Federation, Sierra Club – Iowa Chapter, Syngenta Inc., City of Des Moines – Des Moines International Airport, and EPA Region 7. These comments are addressed in a responsiveness summary which will be submitted along with the final list to EPA.

The comments received addressed several specific waterbodies and the associated impairments. Other comments addressed the process IDNR uses to evaluate waterbodies and suggestions to make the list more understandable by the general public.

As a result of public comments, three waterbodies were added to the impaired waters list (Lake Cornelia, Lake Darling, and Five Island Lake). Lake Darling was incorrectly omitted from the draft list and the other two were added to the list based on more recent water quality information. Two waterbodies were removed from the draft list (Mississippi River at Clinton and the Middle Fork of South Beaver Creek in Grundy County). One of these impairments is caused solely by a point source discharge and is therefore not suitable for TMDL development. The other waterbody should not have been included on the draft list due to changes in the assessment methodology for 2004.

Iowa's Final 2004 List of Impaired Waters includes 212 waterbodies. This Final List, along with the public comments and DNR prepared Responsiveness Summary will be submitted to EPA for approval by the end of this week.

Jerry Peckumn asked what Lake Darling was impaired with.

Chris Van Grop said that Lake Darling was on the impaired waters list in 1998. We wrote a TMDL for siltation and nutrients in 2001, it would have gone to category four. In the last couple of years, it had bacterial problems at the beach, so that's why we need to address this. The TMDL plan is currently being implemented.

Donna Buell said that there are many impaired waters in Iowa that are not on this list because there is a TMDL done on it. I have seen media releases, quotes, etc. on the 211 waterbodies of Iowa s being impaired, don't you think that is misleading?

Chris Van Gorp said that we did receive comment on how the department has portrayed our state's waterbodies. We do have another group of impaired waters which is a category four, they have water quality problems, they just don't require a TMDL to be developed because they may have already developed a TMDL or it's not fully implemented yet.

Donna Buell said that this is not giving the people information that is useful to them.

Francis Thicke also agreed that the list is misleading. There needs to be clarification for the public.

Henry Marquard suggested combining the two lists when informing the public on how many impaired waterbodies are in the state. It does give a false impression of progress.

John Olson agreed that there should be a report to the public on all impaired waterbodies. There could be better communication regarding this issue and we will work on that.

INFORMATIONAL ONLY

PROGRESS REPORT FOR MODIFICATIONS TO CHAPTER 61, WATER QUALITY STANDARDS

Chuck Corell, Chief of the Water Quality Bureau presented the following item.

The Environmental Protection Commission (EPC) will be presented with updated information regarding the "Iowa Department of Natural Resources Time Lines for Water Quality Standards Modifications" document and efforts toward major rule making efforts which will occur in the near future.

Chuck Corell said that we have had issues with environmental groups, EPA and even the DNR has brought up where our water quality standards haven't been kept up to date like they should. In some cases the Clean Water Act necessarily changes and the interpretations change and as our water quality standards remain the same, they become out of date and inconsistent with the Clean Water Act. We have been working to correct this situation since August of last year when we sent out a timeline. In June, we hope to have a first rule package looking at our water quality standards.

One hard issue is when a continuous wastewater discharge facility is at the top of a small stream creating a perennial flow with their effluent. If you take a look at the Clean Water Act and you get to the point where you protect that wastewater flow for aquatic life. You end up telling facilities to protect their effluent from their effluent. We are looking for a solution from EPA or the stakeholders group.

Another issue of concern is economic impact. It's not that hard to measure improvement of a facility. We can't really measure the environmental benefit to making someone spend that kind of money. Standards are only part of the whole thing. They don't mean anything until we actually write a permit to restrict somebody's discharge. We hope to have some language drafted regarding small streams in June. Some of the solution to this maybe in the implementation.

Jerry Peckumn said that it won't make any sense to ask people to pipe their effluent out 4-5 miles to a bigger stream when their effluent creates the stream. Are there any standards coming from EPA on some pollutant that would effect public health?

Chuck Corell said that he knew of research for possible standards on Nitrogen and Phosphorus. Not sure when these will be effective. EPA needs to approve all water quality standards before they become a state standard.

Donna Buell said that there is a tutorial regarding the Clean Water Act on EPA's website. www.epa.gov

Jerry Peckumn asked how much flexibility do we have on granting variances to dischargers that have an economic problem with meeting the water quality standards?

Chuck Corell said that EPA tells us that any variance is basically a new water quality standard and you have to go through the whole rulemaking and approval process to get that variance approved by EPA. It's hard to determine in a variance situation how much economics has a say. You can do a sustainability analysis for any stream; which involves field work saying that this designation has this use but is unattainable for these reasons. That's the only way you can drop a level of protection.

INFORMATIONAL ONLY

PROPOSED CONTESTED CASE DECISION - CLIFTON CLARK

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

On June 12, 2002, the department issued Administrative Order Nos. 2002-AQ-33 and 2002-SW-11 to Clifton Clark. The order required Mr. Clark to cease all illegal open burning and open dumping activities, remove all illegally disposed of solid waste and dispose of the waste at a permitted landfill, and pay a penalty of \$1,500. That action was appealed by Clifton Clark. A hearing on this matter was held on March 21, 2005. Mr. Clark did not appear. The department presented evidence at the hearing.

A Proposed Decision was issued on April 5, 2005. The Proposed Decision affirmed Administrative Order Nos. 2002-AQ-33 and 2002-SW-11, including the assessment of an administrative penalty in the amount of \$1,500.

Mr. Clark has not appealed this Proposed Decision. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no review of the Proposed Decision, it automatically becomes the final decision of the agency.

NO ACTION TAKEN

REFERRALS TO THE ATTORNEY GENERAL

Edmund J. Tormey, Chief of the Legal Services Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

ROBERT L. NELSON (ORIENT) – UST

Dave Wornson asked that the Commission withdraw from referring Robert Nelson to the Attorney General's Office. We have since come to compliance with Mr. Nelson to remove the underground storage tanks and will continue to collect fines.

WITHDRAWN

PAT KELLY, DBA KELLY CONSTRUCTION (DENNISON) – UST

The Department requests referral to the Iowa Attorney General's office to enforce the terms of an administrative order requiring Pat Kelly, d/b/a Kelly Construction, to document the permanent closure of an underground storage tank (UST) and pay a penalty. Pat Kelly did not file an appeal of the order and it is final agency action.

ROGER GINGER (EVERLY) – UST

The Department requests referral to the Iowa Attorney General's office to enforce the terms of an administrative order requiring Roger Ginger to permanently close underground storage tanks (USTS), pay a penalty and overdue tank management fees. Mr. Ginger did not file an appeal of the order and it is final agency action.

JERRY RONEY (HUXLEY) – UST

The Department requests referral to the Attorney General's office to enforce the terms of an administrative order requiring Jerry L. Roney to complete a Tier 2 site assessment of a contaminated petroleum underground storage tank (UST) site in accordance with Department rules. Mr. Roney did not appeal the order, therefore it is final agency action. Mr. Roney did submit a Tier 2 site assessment report that was rejected and required revisions. HE has failed to submit a revised report, which satisfies the technical requirements of Department rules. The Department collected the penalty assessed in the order through an administrative offset processed through the Iowa Department of Revenue.

<i>Motion was made by Lisa Davis Cook to refer Pat Kelly, Roger Ginger and Jerry Roney to the Attorney General's office. Seconded by Mary Gail Scott. Motion carried unanimously.</i>

REFERRED

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT**

May, 2005

Proposal	Notice to Comison	Notice Publish	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary to Comision	Rules Adopted	Rules Publish	A R C #	Rules Review Committee	Rule Effective
1. Ch. 20 – Addition of Definitions for Biodiesel Fuel, #1 Fuel oil and #2 Fuel Oil	4/18/05	*5/11/05		*6/06/05	*6/14/05	*6/20/05	*7/18/05	*7/18/05	*8/17/05		*9/05/05	*9/21/05
2. Ch. 20, 21, 22, 23 & 25 – AQ Program Rules; Updates, Revisions and Additions	2/21/05	3/16/05	4059 B	4/05/05	4/19/05	4/25/05	5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
3. Ch. 20, 22, 31 and 33 – Major New Source Review Rules	1/18/05	2/16/04	4005 B	3/04/05	3/18, 23/05	3/25/05	*6/20/05	*6/20/05	*7/20/05		*8/02/05	*8/24/05
4. Ch. 22 – Air Construction Permitting Exemptions	4/18/05	*5/11/05		*6/06/05	*6/13, 16/05	*6/24/05	*7/18/05	*7/18/05	*8/17/05		*9/05/05	*9/21/05
5. Ch. 23 – Clarification Regarding Ordinary Travel on Unpaved Public Roads	4/18/05	*5/11/05		*6/06/05	*6/15/05	*6/17/05	*7/18/05	*7/18/05	*8/17/05		*9/05/05	*9/21/05
6. Ch. 53 – Protected Water Source	1/18/05	2/16/05	4003 B	3/04/05	3/10/05	3/17/05	TERMINATION 5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
7. Ch. 60, 63, 64 & 65 – CAFO Regulations	9/20/04	10/13/04	3736 B	11/09/04	11/05/04	11/05/04	TERMINATION 5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
8. Ch. 65 – Definitions, Construction Permit Requirements, Master Matrix, Groundwater Determination	9/20/04	10/13/04	3735 B	11/09/04	11/08/04	11/08/04	4/18/05	4/18/05	*5/11/05		*6/06/05	*6/15/05
					1/04/05							

9. Ch. 65 – Open Feedlots – Engineering Standards	11/15/04	12/08/04	3873 B	1/04/05	1/05/05 1/07/05	2/21/05	*6/20/05	*6/20/05	*7/20/05		*8/02/05	*8/24/04
10. Ch. 65 – MMP Content Requirements; Phosphorous Index	1/18/05 10/18/04	2/16/05 11/10/04	4004 B 3807 B	3/04/05 12/14/04	3/08/05 12/03/04	3/08/05 12/03/04	4/18/05 1/18/05	4/18/05 1/18/05	*5/11/05 2/16/05		*6/06/05 *3/02/05	*6/15/05 *3/25/05
11. Ch. 101 – Solid Waste Comprehensive Planning Requirements	2/21/05	3/16/05	4062 B	4/05/05	4/06/05	4/06/05	5/16/05	*5/16/05	*6/08/05		*7/05/05	*7/15/05
12. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs	4/18/05	*5/11/05		*6/06/05	*5/31/05 6/1, 2/05	*6/10/05	*7/18/05	*7/18/05	*8/17/05		*9/05/05	*9/21/05
13. Ch. 136 – Financial Responsibility Requirements for USTs	4/18/05	*5/11/05		*6/06/05	*5/31/05 6/1, 2/05	*6/10/05	*7/18/05	*7/18/05	*8/17/05		*9/05/05	*9/21/05

Monthly Variance Report						
April, 2005						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Greenville	Wastewater Construction	North American Wetland Engineering	Gravity Sewer System Without Manholes	Approved	04/22/04
2	Greenville	Wastewater Construction	North American Wetland Engineering	One Wetland Treatment Unit	Approved	04/15/05
3	Greenville	Wastewater Construction	North American Wetland Engineering	No Shutoff or Check Valves or No Valve Pit	Approved	04/15/05
4	Greenville	Wastewater Construction	North American Wetland Engineering	Pumps Capable of Passing 1" Spheres	Approved	04/15/05
5	Greenville	Wastewater Construction	North American Wetland Engineering	4" Sewer Slope to Bend at Many Points Without Manhole	Approved	04/15/05

6	Greenville	Wastewater Construction	North American Wetland Engineering	Sewers With Minimum Velocity of 1 Feet Per Second	Approved	04/15/05
7	Greenville	Wastewater Construction	North American Wetland Engineering	4"Sewer With Last Four Sections of 6" Sewer	Approved	04/15/05
8	Modale	Wastewater Construction	Jacobson Helgoth	Double Cleanout Instead of Manholes	Denied	04/22/05
9	Modale	Wastewater Construction	Jacobson Helgoth	Install Influent Lines Above Pond Seal/Eliminate Saucer Shaped Depression	Denied	04/15/05
10	Modale	Wastewater Construction	Jacobson Helgoth	Install Influent Lines Above Pond Seal	Denied	04/15/05
11	Modale	Wastewater Construction	Jacobson Helgoth	Multi-Level Draw-Off Pipe/Buried Valves	Approved	04/15/05
12	Modale	Wastewater Construction	Jacobson Helgoth	Two-Cell Lagoon	Approved	04/15/05
13	West Des Moines	Wastewater Construction	V & K Inc.	Grand Ave Sanitary Sewer/South 74th Sanitary Sewer	Approved	04/18/05
14	Montgomery Co Sanitary Landfill	Energy/WMAD	Barker Lemar Engineering Consultants	Vertical Expansion	Denied	04/25/05
15	Scranton WWTP	Wastewater Construction	Fox Engineering	Buried "RWV" Valves	Approved	04/11/05
16	Alliant Energy/IPL Lansing Generating Station	Air Quality		Burn Sludge Material in Main Boiler	Approved	04/21/05
17	Turkey River Campground	Water Supply	Erdman Engineering PC	Use Non-ASME Pressure Tanks	Approved	03/17/05
18	City of Manchester	Energy/WMAD		Compost Operations	Approved	04/05/05

19	Midwest Computer Brokers/Midwest Electronic Recovery	Energy/WMAD	Midwest Computer Brokers - Dave Long	100-Year Flood Plain	Approved	03/29/05
20	Roquette America @ Keokuk	Wastewater Construction		1,000 Feet Separation	Approved	03/31/05
21	Gerdau Ameristeel	Air Quality		Using Scrap Tires As Carbon Source	Approved	04/21/05
22	Scranton WWTP	Wastewater Construction	Fox Engineering	Buried "RWV" Valves	Approved	04/11/05
23	Center Junction	Wastewater Construction	Garden	Two-Cell Lagoon	Approved	04/25/05
24	Center Junction	Wastewater Construction	Garden	Multi-Level Draw-Off Pipe/Buried Valves	Approved	04/27/05
25	Center Junction	Wastewater Construction	Garden	Bury Valves Outside Pump Station	Approved	04/27/05
26	Center Junction	Wastewater Construction	Garden	6" Sewer For All Except Trunk Sewer	Approved	04/27/05
27	Center Junction	Wastewater Construction	Garden	Maximum Manhole Space of 600 Feet	Approved	04/27/05
28	Center Junction	Wastewater Construction	Garden	Flexible Sanitary Sewer Pipes	Approved	04/27/05
29	Center Junction	Wastewater Construction	Garden	Two Drawoff Levels From Single Secondary Cell	Denied	04/27/05
30	Center Junction	Wastewater Construction	Garden	Install Double Cleanout	Denied	04/27/05
31	Center Junction	Wastewater Construction	Garden	Install Influent Lines Above Pond Seal	Denied	04/27/05

32	Center Junction	Wastewater Construction	Garden	Install Influent Lines Above Pond Seal	Denied	04/22/05
33	Cedar Rapids Water Pollution Control Facilities Landfill	Energy/WMAD	Midwest Environmental Consulting	Ash Lagoon Operation	Approved	04/25/05

**Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions**

During the period April 1, 2005, through April 30, 2005, 83 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Other*
October	52 (73)	2 (11)	29 (45)	21 (17)	17 (21)	27 (41)	2 (2)	2 (1)	0 (3)	4 (5)
November	68 (70)	14 (9)	33 (42)	20 (19)	21 (20)	34 (39)	1 (1)	2 (1)	0 (1)	10 (8)
December	58 (51)	8 (10)	34 (29)	16 (12)	19 (21)	29 (27)	3 (0)	2 (0)	0 (1)	5 (2)
January	58 (44)	6 (7)	36 (25)	16 (12)	20 (9)	28 (32)	1 (2)	1 (0)	1 (1)	7 (0)
February	46 (41)	4 (5)	25 (20)	17 (16)	12 (13)	24 (24)	4 (1)	2 (1)	1 (0)	3 (2)
March	70 (71)	11 (9)	43 (38)	16 (24)	25 (21)	33 (47)	1 (0)	1 (1)	3 (0)	7 (2)
April	83 (99)	26 (44)	40 (42)	17 (13)	27 (30)	40 (63)	1 (0)	3 (3)	3 (0)	9 (3)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	435 (449)	71 (95)	240 (241)	123 (113)	141 (135)	215 (273)	13 (6)	13 (7)	8 (6)	45 (22)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
11	17	10	9	21	15

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period April 1, 2005, through April 30, 2005, 6 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (8)	0 (0)	6 (2)	6 (2)	3 (2)	13 (6)	2 (0)	0 (0)	0 (0)	2 (0)
November	9 (5)	2 (0)	4 (2)	1 (2)	2 (1)	6 (5)	2 (0)	0 (0)	1 (0)	1 (0)
December	2 (4)	0 (0)	2 (2)	0 (0)	0 (2)	2 (3)	0 (0)	0 (1)	0 (0)	0 (1)
January	0 (1)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	1 (1)	0 (0)	0 (0)	0 (1)	1 (0)	0 (1)	0 (0)	1 (0)	0 (0)	0 (0)
March	1 (5)	0 (1)	1 (0)	0 (0)	0 (3)	0 (4)	1 (0)	0 (0)	0 (0)	1 (1)
April	6 (10)	0 (0)	2 (4)	1 (4)	3 (2)	5 (7)	1 (3)	0 (0)	0 (0)	0 (5)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	34 (34)	2 (1)	15 (11)	8 (9)	0 (0)	26 (27)	6 (3)	1 (1)	1 (0)	4 (7)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
0	0	3	2	1	0

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Iowa Quality Beef Supply Cooperative, Tama (5)	Wastewater	Monitoring/Reporting; Discharge Limits; Operational Violations	Order/Penalty \$10,000	3/24/05
Sioux City, City of (3)	Solid Waste	Operational Violations	Order/Penalty \$7,000	3/25/05
Mehmert Tiling, Inc., Cresco (1)	Underground Tank	Leak Detection; UST System Deficiencies; Financial Responsibility; Record Keeping	Order/Penalty \$10,000	4/01/05
Fedler and Company; Tony Fedler, Mt. Pleasant (6)	Hazardous Condition	Remedial Action	Order/Penalty \$3,670	4/01/05
OR Entertainment Inc. d/b/a Ringo's, Mason City (2)	Drinking Water	Operation Without Permit	Order/Penalty \$1,025	4/15/05
Goettsch Trucking and Seed; Thomas Goettsch, Galva (3)	Hazardous Condition	Failure to Notify; Remedial Action	Order/Penalty \$550	4/15/05
Ray Schmitz, Black Hawk Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$1,500	4/15/05
Dennis Kuehl, Cass Co. (4)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$3,000	4/15/05
Rick Renken, Plymouth Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	4/15/05
Atlantic, City of (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$10,000	4/15/05
Garlen Perry; Paul Lattin; Percilla Lattin, Shenandoah (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Amendment \$6,000	4/15/04
Miles McDougal, Plymouth Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Consent Amendment	4/15/04

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: May 1, 2005

TO: Environmental Protection Commission

FROM: Ed Tormey

SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

AMOUNT	DUE DATE	NAME/LOCATION	PROGRAM		
		Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
		Dorchester Supper Club (Dorchester)	WS	100	3-08-00
		R & R Ranch (Osceola)	WW	10,000	8-30-00
		Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
		Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
		Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
		Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
		Donald and Marie Phillips (Milo)	WW	1,300	7-09-01
		Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
		James Harter (Fairfield)	WW	1,800	8-01-01
		Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
#		Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
#		Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
		Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
		Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
		Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
		Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
		Peter Cook (Grand Mound)	AQ/SW	500	2-10-03
*		Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
		U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
		Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
		Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
*		Racer's Bar and Grill (Algona)	WS	500	3-10-03
		Nevada, City of SEP	WW	3,000	3-14-03
		Midway Oil Company (West Branch)	UT	7,300	5-03-03
		Midway Oil Company (Davenport)	UT	5,790	5-03-03
		Efren Valdez (Warren Co.)	SW	4,000	6-09-03
		Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
		Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
		Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
		McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
*#		Roger Bockes, et. al. (Tama Co.)	AFO	600	12-01-03
*		Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
		Robert L. Nelson (Orient)	UT	2,450	12-26-03
		Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
#		Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04
		Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
#		James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
		William Hennessey (Linn Co.)	SW	2,000	5-07-04
		Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
		John Danker (Lee Co.)	AQ/SW	10,000	5-22-04
		R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
		Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	3,800	5-25-04

# Matt Hoffman (Plymouth Co.)	AFO	750	5-27-04
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
#*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	1,500	9-30-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,500	9-01-04
Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
Cobb Oil Co.; Messer Oil Co. (Lone Tree)	UT	250	8-03-04
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
#*James Boller (Kalona)	AFO	4,750	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
# Verlyn & LeAnn VanRegenmorter (Sioux Co.)	AFO	2,610	8-25-04
The Filling Station (Glenwood)	WS	1,500	9-06-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
# C J Acres; Carl Schelling (Sioux Co.)	AFO	3,000	9-11-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
* Dennis Gailey (Moorland)	AQ/SW	6,400	9-18-04
Crest Country Inn (Iowa Co.) No. 2	WW	2,000	9-21-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Del DeWulf (Cedar Co.)	AFO	1,500	11-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Friendly Tavern (Quasqueton)	WS	500	11-29-04
Americana Bowl (Ft. Madison)	WS	500	11-28-04
Crest Country Inn (Iowa Co.) No. 1	WW	1,000	12-11-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
# Doug Sweeny (O'Brien Co.)	AFO	750	1-02-05
# Dean Pedersen (Pocahontas Co.)	AFO	750	1-19-05
# Dean Paustian (Scott Co.)	AFO	750	2-07-05
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
Roquette America, Inc. (Keokuk)	WW	10,000	3-04-05
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	4-02-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
ARC Communities 8 LLC; Sunrise MHP (Newton)	WW	2,000	4-23-05
* Country Terrace Mobile Home Park (Ames)	WW	3,340	5-01-05
#*Miles McDougall (Plymouth Co.)	AFO	875	5-04-05
Garlen E. Perry; Paul and Percilla Lattin (Shenandoah)	AQ/SW	3,000	5-15-05
# Mark Hoefling (Sac Co.)	AFO	3,000	5-17-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	2,600	5-19-05
Reginald Parcel (Henry Co.)	AQ/SW	1,000	5-23-05
#*Gary DeBoer; G & S Farms (Lyon Co.)	AFO	500	6-01-05

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#*Dennis VanDerWeide (Sioux Co.)	AFO	500	6-01-05
Martin Fender (Mills Co.)	AQ/SW	1,000	6-06-05
H & H Trailer Co. (Braddyville)	AQ	1,500	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	10,000	6-10-05
Sioux City, City of	SW	7,000	6-10-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	-----
Kountry School LLC (Elkader)	WS	1,500	-----
Delores Van Ohlen Trust (Hamilton Co.)	AQ/SW	3,000	-----
Fred Schoolcraft (Hancock Co.)	AQ/SW/WW	6,500	-----
# Jim Dos (Black Hawk Co.)	AFO	3,000	-----
David Carlisle (Ringgold Co.)	SW	3,500	-----
Vernon Kinsinger (Washington Co)	SW	8,130	-----
# Scott Antisdell (Carroll Co.)	AFO	750	-----
Goettsch Trucking and Seed, Inc. (Galva)	HC	5,500	-----
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	-----
Atlantic, City of	AQ/SW	10,000	-----
# Ray Schmitz (Black Hawk Co.)	AFO	1,500	-----
# Dennis Kuehl (Cass Co.)	AFO	3,000	-----
# Rick Renken (Plymouth Co.)	AFO	750	-----
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000	-----
O R Entertainment d/b/a Ringo's (Mason City)	WS	1,025	-----
TOTAL		494,018	

The following cases have been referred to the Attorney General:

Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00

Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdbs Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Richard Juhl (Cass Co.)	AQ/SW	4,700	
TOTAL		227,020	

The following administrative penalties have been appealed:

AMOUNT	NAME/LOCATION	PROGRAM	
	Dennis Malone & Joanne Malone (Morning Sun)	UT	600
	Dallas County Care Facility (Adel)	WW	2,500
	Richard Sprague (Tripoli)	AQ/SW	5,000
	Gerald and Judith Vens (Scott Co.)	FP	5,000
#	Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
#	Dan Witt (Clinton Co.)	AFO	3,000
	R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
	Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
	LeMars, City of	WW	10,000
	Dallas County Care Facility (Adel)	WW	5,000
	Robert Ward (Lee Co.)	WW	1,450
	Partners Four Investments, Inc. (Marble Rock)	UT	5,280
	William Habhab (Fort Dodge)	SW	1,500
	Kevin Wallerich (Keota)	SW/WW	500
#	Doug Wedemeyer (Adair Co.)	AFO	2,500
	Mt. Pleasant, City of	WW	500

Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# New London Dairy; Steve Walter dba Walter & Sons Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	AFO/RWA WW	5,000 10,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
American Shell Co.; James L. Peach (Fairport)	UT	6,200
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
Regional Environmental Improvement Comm. Of Iowa Co.	SW	10,000
Michael Sickles; Keri Sickles (Adair Co.)	SW	3,000
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	5,000
Lake Place (Clarion)	WS	500
LeMars, City of	WW	9,000

Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Williams Brothers Garage (Atlantic)	AQ/SW/WW	5,000
Alton, City of	FP	5,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	5,000
# Allen Hoeper (Bremer Co.)	AFO	1,500
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
Casey's Marketing Co. (5 locations)	UT	18,101
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
Galen Engstrom (Renwick)	WW	1,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Imperial Properties, Inc. (Des Moines)	UT	10,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)	AQ	5,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Steve Van Utrecht (Mahaska Co.)	AFO	1,500
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000
# Chad Kooima (Sioux Co.)	AFO	1,500
Dr. Ed Cook (Cherokee Co.)	AQ	3,000
# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000
Environmental Solutions, Inc. (Mills Co.)	SW	10,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
Harvey Products, Inc. (Harvey)	AQ	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# Brad Dirksen (Plymouth Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
# Bill and Don Adam, Inc. (Jefferson Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
# JK farms, Inc. (Plymouth Co.)	AFO	3,000
Bill Schrock (Stockport)	SW/WW	2,000
Tschiggfrie Excavating Co. (Dubuque)	WW	8,000
Iowa State University Heating Plant (Ames)	WW	1,500
# Dave Borchers (Plymouth Co.)	AFO	1,500
# David Meyer (Cedar Co.)	AFO	1,500
# P & W Egg Company, LC (Cass Co.)	AFO	3,000
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Teske Pork, LLC (Hardin Co.)	AFO	3,000
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000

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Paul Shimp & S & V Fence Co. (Eldridge)	AQ	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Patrick M. Pinney Contractors, Inc. (Sioux City)	SW	2,000
Patrick M. Pinney Contractors (Sioux City)	AQ	3,000
# Greg Vanden Bosch; G & T Eggs (Sioux Co.)	AFO	1,500
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Darrell Behrens; Kelly Behrens (Buena Vista Co.)	AFO	3,000
Acme Fuel & Material Co. (Muscatine)	AQ	7,000
Donald Hopp (Mills Co.)	SW	2,200
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
# David Kistenmacher; Holstein Dairy (Holstein)	AFO	2,000
# Steve Bouchard (Cherokee Co.)	AFO	3,000
# Steve Grettenberg (Webster Co.)	AFO	1,000
James Brown; Brian Stickney (Oto)	AQ	3,500
# Keith Kruse (Clay Co.)	AFO	1,500
Crestview Mobile Home Park (Ames)	WW	10,000
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Greg Gerber (Lyon Co.)	AFO	3,000
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000
# Paul Rehder (O'Brien Co.)	AFO	3,000
# E & N Farms, Ltd. (Lyon Co.)	AFO	3,000
# Matt Gehling (Carroll Co.)	AFO	1,500
Wayne Staab (Plymouth Co.)	AQ	1,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
MKKS, LLC (Urbandale)	UT	4,600
MKKS, LLC (Windsor Heights)	UT	6,500
MKKS, LLC (West Des Moines)	UT	4,600
Consolidated Energy Co. LLC (Whiting)	UT	6,000
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Pleasant Hill, City of	WW	10,000
Jerome Loutsch (Plymouth Co.)	AQ	1,000
Lawler, City of	WW	3,000
Jim Hawk Truck-Trailers of Davenport, Inc. (Davenport)	UT	6,427
O-C Trailers, Inc. (Sioux Co.)	AQ/SW	2,000
# Rick Nikkel (Jasper Co.)	AFO	3,000
# Rick Halma (Lyon Co.)	AFO	3,000
Olsen Fuel Supply, Inc. (Atlantic)	UT	7,000
James Karthan (Clarke Co.)	AQ	1,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
# Marvin Maassen; Maassen & Sons (Sioux Co.)	AFO	1,500
# Ivan Kenney (Guthrie Co.)	AFO	3,000
Randy Griffin (Jasper Co.)	AQ/SW	5,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	7,300
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	6,000
# Patrick Jones (Dickinson Co.)	AFO	1,500
Fran Oil Co. (Council Bluffs)	UT	7,000
Fran Oil Co. (Council Bluffs)	UT	3,000
Iowa Oil Co.; HRV Petro; Two Holdings (Dubuque)	UT	6,300
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Colleen Weber (Mitchell Co.)	AQ/SW	1,500
Stewart Construction Ltd. (Lyon Co.)	AQ/SW	2,500
William Butterfield (Mason City)	AQ/SW	3,000

Dirk Graves (Glenwood)	AQ	1,000
Roger Holland (Farmington)	WW	7,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
TOTAL		790,172

The following administrative penalties were paid last month:

AMOUNT	NAME/LOCATION	PROGRAM	
# Craig Todd (Ida Co.)		AFO	10,000
Garlen E. Perry; Paul and Percilla Lattin (Shenandoah)		AQ/SW	3,000
Macedonia Implement Co. (Pottawattamie Co.)		AQ/SW	1,000
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)		AFO	100
Timothy Irwin Bell d/b/a Bell's Melons (Muscatine Co.)		AQ/SW	3,000
#*Dennis VanDerWeide (Sioux Co.)		AFO	500
# Koenen Dairy Inc.; Greg Koenen (Sioux Co.)		AFO	1,500
# Dave Bomgaars (Sioux Co.)		AFO	2,500
* Country Terrace Mobile Home Park (Ames)		WW	110
# Kollasch Land & Livestock (Palo Alto Co.)		AFO	1,500
#*Dennis VanDerWeide (Sioux Co.)		AFO	500
Scooter's Tower Club (Cresco)		WS	200
# Ponderosa West LLP (Humboldt Co.)		AFO	10,000
# Ysselstein Dairy, Inc. (Rock Valley)		AFO	8,000
		TOTAL	41,910

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter (2)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing Date	9/15/03 9/23/04 7/19/05
Carlson, Emer Henry Co. UPDATED	(6) Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Hearing Second Motion for Judgment Hearing Date	9/20/04 3/01/05 4/01/05 4/12/05 5/23/05
CDI, LLC Forest City NEW	(2) Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/28/05
Crest Country Inn	Wastewater	Monitoring/Reporting	Order/Penalty	Referred	2/21/05
Ellis, Trent	Solid Waste	Illegal Disposal; Open			

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Calhoun Co. (3)	Air Quality Animal Feeding Operation	Burning; Discharge Confinement	Prohibited –	Order/Penalty	Referred Petition Filed Answer	8/16/04 2/25/05 3/21/05
Grain Processing Corp. Muscatine (6)	Air Quality	Emission Standards		Referred to Attorney General	Referred	2/21/05
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Permit; Submit Operation Stormwater – Without Permit	Without Failure to MMP; Violations; Operation Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	7/21/03 3/12/04 8/16/05
Hoffman, Matt Plymouth Co. (3)	Animal Feeding Operation	Failure to Update Plan		Order/Penalty	Referred Petition Filed	8/16/04 2/23/05
Juhl, Richard Cass Co. (4) NEW	Air Quality Solid Waste	Open Burning; Disposal	Illegal	Order/Penalty	Referred	4/28/05
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Disposal	Illegal	Order/Penalty	Referred Petition Filed	9/20/04 3/29/05
Mobile World LC Camanche UPDATED	(6) Air Quality Solid Waste	Illegal Disposal Open Burning		Order/Penalty	Referred Petition Filed	8/16/04 4/08/05
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense		Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal NICCW's Motion for	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04 2/25/05 2/27/06

						Summary Judgment Trial Date
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations		Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04
Robertson, Ryan Jefferson Co. (6) NEW	Wastewater	Stormwater Violations	Permit	Referred Attorney General	to Referred	4/27/05
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other		Order	Referred	4/21/03
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense		Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05

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Schelling, Carl Sioux Co. (3)	Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed	10/18/04 1/27/05
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Refered Contempt Hearing Arrest Warrant Issued Contempt/Temporary Injunction Hearing	6/20/97 12/09/98 11/21/02 4/01/05 4/01/05 5/03/05
Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Order/Penalty	Referred Criminal Charge in Federal Court Grand Jury Indictment	7/21/03 2/04 4/07/04
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed	10/18/04 11/04/04
Stone v. Rembrand Enterprises, Inc. UPDATED	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Trial Date	12/06/04 1/10/05 3/07/05 4/25/06

Contested Case Status Report

4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	Consent order sent to City for review and mayor's signature. 12/26/03 – Dept. follow-up letter to City attorney. 12/29/03 – Response from City. 2/04 – Dept. permit writer drafting revised permit. 3/04 – Status report requested from permit writer. 4/16/04 – Dept. letter to City attorney regarding settlement with copy of draft revised NPDES permit. 5/19/04 – Follow-up letter to City attorney regarding permit. 8/04 – To be set

						for hearing since no settlement achieved. 9/1/04 – FO4 letter to City regarding status of construction to meet schedule in construction permit. Set for hearing for 12/16/04. Tentative agreement reached with City on terms of NPDES permit to be issued to resolve appeal. 11/04/04 – Settled. Final terms of draft NPDES permit agreed upon between City and Dept. Draft permit sent to City to be put on public notice. 11/10/04 – City placed draft NPDES permit on public notice. Hearing continued to 2/04/05. Once final permit is issued appeal can be closed. 2/10/05 – Final permit issued by Dept. Case closed.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
12/01/00	Postville, City of	1	Admin. Order	WW	Tack*	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be

						submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff. 9/04 – Update requested from WW permits staff. 10/29/04 – Dept. letter

						to City resolving issue of TKN monitoring. Case settled. 11/04/04 – City's letter agreeing to dismiss appeal upon issuance of NPDES permit with no TKN monitoring requirements.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/ WW	Tack	9/03/04 – Onsite meeting resulted in settlement agreement.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/S W	Tack	4/05/05 – ALJ decision for Dept. Case closed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/S W	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/S W	Tack	All tires have been removed. F.O. to do final inspection.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/ HC	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.

1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	9/30/04 – Proposed settlement agreement sent.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Compliance achieved except negotiating penalty/SEP before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	Order/Penalty	AQ/SW	Tack	Settled. Revised consent order sent 4/23/05.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 5/05 – Status report requested from Dept. engineer.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	Clean-up underway.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance on non-penalty terms completed. Preparing settlement with non-appealing party, Rausch.

9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	Compliance achieved. SEP proposed.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
11/19/03	Harlan Clasen	3	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
11/19/03	Ron Fisher Furniture	1	Amended Order	AQ	Preziosi	Negotiating before filing.
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	Order/Penalty	AQ/S W	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/05/03	Boyer's Sand and Rock, Inc.; William Boyer	3	Order/Penalty	UT	Wornson	Settlement agreement sent 3/2/04, and again 4/28/04, no return. Hearing set for 5/20/05.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
12/22/03	Pocahontas, City of	3	Order/Penalty	WW	Preziosi*	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/ WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James		Order/Penalty	UT	Wornson	Sent letter with

	L. Peach					settlement deadline 2/14/05. Tier 2 completed. Set for hearing 4/26/05. Negotiating settlement prior to hearing.
3/01/04	Shenandoah, City of	4	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/15/04	Regional Environmental Improvement Commission of Iowa County	6	Order/Penalty	SW	Tack	Negotiating before filing.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
3/23/04	Michael and Keri Sickles	4	Order/Penalty	SW	Tack	Clean-up completed. \$750 settlement offer sent 6/29/04.
3/24/04	Lake Place	2	Order/Penalty	WS	Book	Unable to locate owner. Will continue to look.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
4/19/04	Richard Juhl	4	Order/Penalty	AQ/SW	Book	Referred to AG at 4/05 EPC meeting.
4/19/04	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/23/04	Curt Kline; Connie Kline	4	Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/26/04	Miles McDougal	3	Order/Penalty	AFO	Book	ALJ confirmed order with full penalty. Penalty plan in place and payments are on schedule.
5/03/04	Steven Grettenberg	2	Order/Penalty	AFO	Book	Settled. Consent amendment with producer for signature.
5/04/04	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/06/04	Terry Nibbelink	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
5/11/04	Clark Partnership; Dennis Clark; Terrence Clark	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
5/11/04	Williams Brothers Garage	4	Order/Penalty	WW/SW/AQ	Tack	9/30/04 – Cleanup is underway.

5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Still negotiating. Requesting hearing be set.
5/12/04	Hunt Brothers; Chris Hunt	3	Order/Penalty	AFO	Book	Hearing set for 6/20/05.
5/13/04	Allen Hoepfer	1	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
5/14/04	G & S Farms; Greg DeBoer	3	Order/Penalty	AFO	Book	Payment schedule in place and payments on schedule.
5/14/04	Rural Iowa Solid Waste Mgmt.	2	Order/Penalty	SW	Tack	Settlement meeting held 2/24/05. Negotiations continue.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	Order/Penalty	AFO	Wornson	Compliance achieved. Negotiating SEP.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	Order/Penalty	WW	Tack*	Negotiating before filing.
6/02/04	Racer's Bar and Grill	2	Order/Penalty	WS	Book	Settled. Payment plan on schedule.
6/09/04	Kevin Miller	1	Operation Permit	WS	Hansen	6/24/04 – FO1 letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated. 9/04 – Status report requested from FO regarding compliance. 3/17/05 – FO 1 reports that WS does not want to pursue appeal and they are complying with permit. WS to furnish letter dismissing appeal.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	Order/Penalty	WS	Hansen	7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. 11/10/04 – Full penalty paid and engineering report submitted. Tentatively resolved. Hearing re-set for 7/22/05.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	Negotiating before filing.
6/18/04	Schmidt Distribution, Inc. d/b/a Shoppers Supply Co.	2	Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before

						filing.
6/25/04	Eischeid Farms, Inc.	4	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
6/25/04	Steve Renze	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/S W/W W	Tack	Compliance to be reviewed in 11/04.
6/29/04	Imperial Properties	5	Order/Penalty	UT	Wornson	Negotiating penalty settlement. Set for hearing 6/06/05.
7/15/04	Dean and Sharon Gettler	4	Order/Penalty	AFO	Book	3/15/05 - Sent to DIA to be set for hearing.
7/16/04	Ed Cook	3	Order/Penalty	AQ	Book	Negotiating before filing.
7/16/04	Dean Gettler	4	Order/Penalty	AFO	Book	Hearing set for 6/27/05.
7/20/04	Chad Kooima	3	Order/Penalty	AFO	Book	Hearing set for 6/27/05.
7/26/04	B & B Sandhill Swine	1	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
7/26/04	Randy Gergen	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
7/27/04	John Hansen Farms	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
7/27/04	Steve Van Utrecht	5	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
8/02/04	James Vermeer	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
8/02/04	Dennis Rowenhorst	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	Negotiating before filing.
8/17/04	Harold Dekkers	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
8/19/04	F.J. Krob & Co.	1	Order/Penalty	HC/ WW	Tack*	Negotiating before filing.
8/26/04	Jim Schmitz	3	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
8/30/04	Brad Dirksen	3	Order/Penalty	AFO	Book	Hearing set for 6/27/05.
8/30/04	Don and Bill Adam, Inc.	6	Order/Penalty	AFO	Clark	To be sent to DIA to be set for hearing.
8/30/04	Ames, City of	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/01/04	Iowa State University	5	Order/Penalty	WW	Hansen	Negotiating before filing.
9/03/04	David Borchers	3	Order/Penalty	AFO	Book	Hearing set for 6/27/05.
9/10/04	Tschiggfrie Excavating Co.	1	Order/Penalty	WW	Tack	Negotiating before filing.
9/14/04	JK Farms, Inc.	3	Order/Penalty	AFO	Clark	Negotiating before filing.
9/14/04	Bill Schrock	6	Order/Penalty	WW/ SW	Tack	Negotiating before filing.
9/20/04	David Meyer	6	Order/Penalty	AFO	Book	Hearing set for

						6/27/05.
9/21/04	P & W Egg Co.	4	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	To be sent to DIA to be set for hearing.
10/04/04	Rose M. Bartles	4	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
10/05/04	Mike Teske; Teske Pork	2	Order/Penalty	AFO	Clark	Negotiating before filing.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	Negotiating before filing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	Order/Penalty	AFO	Book	Negotiating before filing.
10/14/04	Garlen Perry; Paula and Percilla Lattin	4	Order/Penalty	AQ/S W	Book	Settled. Consent amendments awaiting signatures.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	Negotiating before filing.
10/20/04	Jerry Bravard	5	Order/Penalty	WW	Tack	\$3,000 penalty payment received. Case closed.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
10/26/04	S & V Fence & Deck Co.	6	Order/Penalty	AQ	Book	Settled. Consent amendment being worked on.
10/26/04	Puck Custom Enterprises; Natural Pork Production	4	Order/Penalty	AFO	Tack	Negotiating before filing.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
11/03/04	Patrick M. Pinney Contractors	3	Order/Penalty	AQ	Book	Negotiating before filing.
11/03/04	Greg Vanden Bosch; G & T Eggs	3	Order/Penalty	AFO	Book	4/15/05 – Sent to DIA to be set for hearing.
11/03/04	Leland Heisdorffer	6	Order/Penalty	AQ/S W/W W	Tack	Hearing held 4/25/05.
11/05/04	Darrel Behrens; Kelly Behrens	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
11/09/04	Donald Hopp	4	Order/Penalty	SW	Tack	Negotiating before filing.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	Negotiating before filing.
11/15/04	Acme Fuel & Materials	6	Order/Penalty	AQ	Book	Settled. Consent amendment in place, awaiting penalty payment.
11/19/04	Steve Bouchard	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
11/22/04	Holstein Dairy	3	Order/Penalty	AFO	Book	Settled. Consent amendment in place. Awaiting penalty payment.
11/30/04	James Brown	3	Order/Penalty	AQ	Book	Meeting scheduled for

						5/29/05.
12/06/04	Keith Kruse	3	Order/Penalty	AFO	Clark	Negotiating before filing.
12/06/04	Jerry Vander Platts	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
12/06/04	O-C Trailers, Inc.	3	Order/Penalty	AQ/S W	Preziosi	Negotiating before filing.
12/07/04	Crestview MHP	5	Order/Penalty	WW	Hansen	Hearing set for 6/23/05.
12/10/04	IPSCO, Inc.	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/17/04	Greg Gerber	3	Order/Penalty	AFO	Book	To be sent to DIA to be set for hearing.
1/03/05	Paul Rehder	3	Order/Penalty	AFO	Clark	Negotiating before filing.
1/04/05	Matt Gehling	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/05/05	S.J. Louis Construction	5	Order/Penalty	WW	Hansen	Negotiating before filing.
1/06/05	E & N Farms	3	Order/Penalty	AFO	Clark	Negotiating before filing.
1/07/05	Wayne A. Staab	3	Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/14/05	Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe	4	Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/18/05	MKKS, LC (5 sites)	5	Order/Penalty	UT	Wornson	Settlement meeting held 3/07/05. Follow-up regarding non-penalty issues and penalty settlement.
1/19/05	Consolidated Energy	4	Order/Penalty	UT	Wornson	Negotiating before filing.
1/20/05	Pleasant Hill, City of	5	Order/Penalty	WW	Hansen	4/08/05 – Meeting with City regarding appeal and settlement. City made settlement offer regarding penalty. Offer rejected by DNR. City to provide further response by 5/05.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/S W	Preziosi	Negotiating before filing.
1/24/05	Lawler, City of	4	Order/Penalty	WW	Hansen	Negotiating before filing.
1/24/05	Jerome Loutsch	3	Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/25/05	Jim Hawk Truck Trailers	6	Order/Penalty	UT	Wornson	Negotiating before filing.
1/31/05	James Karthan	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
2/03/05	Olsen Fuel Supply, Inc.	4	Order/Penalty	UT	Wornson	Negotiating before filing.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	Negotiating before filing.
2/08/05	Crestview Mobile Home Park	5	Permit Conditions	WS	Hansen	4/13/05 – Petition received by Dept. Answer drafted.
2/14/05	Rick Halma	3	Order/Penalty	AFO	Book	Negotiating before filing.
2/15/05	Rock Valley Rural Water	3	Permit Issuance	WR	Clark	Negotiating before

	System					filing.
2/16/05	Rick Nikkel	5	Order/Penalty	AFO	Book	Negotiating before filing.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	Negotiating before filing.
3/03/05	Ivan Kenney	4	Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	Order/Penalty	UT	Wornson	Negotiating before filing.
3/16/05	S.K. Food and Gas, Inc.; DIWAN LLC	6	Order/Penalty	UT	Wornson	Negotiating before filing.
3/23/05	IPSCO (Muscatine)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/23/05	Patrick Jones	3	Order/Penalty	AFO	Book	Negotiating before filing.
3/25/05	Fran Oil Co. (2 AOs)	4	Order/Penalty	UT	Wornson	Negotiating before filing.
3/25/05	Genesis Two Holdings	1	Order/Penalty	UT	Wornson	Negotiating before filing.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
3/25/05	Colleen Weber	2	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
3/31/05	Stewart Construction, Inc.	3	Order/Penalty	AQ/S W	Tack	Clean-up completed.
3/31/05	William Butterfield	2	Order/Penalty	AQ/S W	Preziosi	New case.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	New case.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	New case.
4/13/05	H & K Pony Express; Roger Holland	6	Order/Penalty	WW	Wornson	New case.

**Iowa Department of Natural Resources
Environmental Services
Report of WW By-passes**

During the period April 1, 2005 through April 30, 2005, 14 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '04	9(8)	0.065	0.030	3	0(1)
November '04	11(4)	0.728	0.083	4	0(0)
December '04	7(11)	0.382	0.004	3	0(0)
January '05	6(5)	0.222	0.057	0	0(0)
February '05	9(10)	5.063	0.049	4	0(0)
March '05	9(7)	0.831	0.032	1	0(0)
April '05	14(8)	0.359	0.087	5	0(0)
May '04	9(9)	0.499	0.042	4	0(0)

June '04	7(6)	0.038	0.001	2	0(0)
July '04	3(5)	0.354	0.072	2	0(0)
August '04	13(2)	0.267	0.050	7	0(0)
September '04	5(4)	0.131	0.068	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
3	0	1	3	1	6

Wayne Gieselman referred to the Variance Report. There are a number of variances for one facility. The reason being is because they will be using a wetland treatment system. We are trying a few alternative technologies in small communities around the state that are limited in financial capabilities.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Pollution Prevention Interns and Companies

Wayne Gieselman said that this program is designed for college students, most engineers, to match up with Iowa industries and work as a summer intern to improve efficiency and reduce waste. It help industry to look at different ways to operate and exposes engineering students to the “real world” and possible future work opportunities. This program has won a national award. There were 150 students who applied and we could only accept 25 this year. We will try to get students to come back to give a report to the Commission.

Company	City	Student	School	Major
Ag-Bio Power	Toledo	Bihua Wei	UI	MS/Mechanical Engineering
Archer Daniels Midland (ADM)	Clinton	Iris Caldwell	ISU	Civil Engineering
Bertch Cabinet Mfg.	Waterloo	Lucas Martinez	UNI	MS/Environmental Technology
Des Moines Metro Wastewater	Des Moines	Brian Ng	ISU	MS/Electrical Engineering
Dexter/Harper Brush	Fairfield	William Wombacher	UI	Environmental Engineering
Dial Corp.	Fort Madison	Dane Kriks	UI	Chemical Engineering

Eaton Corp.	Belmond	Priya Bhirud	ISU	MS/Industrial and Manufacturing Sys Eng
Fansteel Wellman Dynamics	Creston	Andrew Hirsch	UI	Chemical Engineering
Federal Mogul Corp.	Burlington	Amit Jain	UM	MS/Mechanical Engineering
GE Consumer & Industrial	West Burlington	Sathish Sathyamurthy	ISU	MS/Industrial Engineering
Gelita	Sergeant Bluff	Lindsay Beaman	ISU	Civil Engineering
GKN Armstrong Wheels	Armstrong	Faisal Tamin	ISU	Electrical Engineering
Metzeler Automotive	Keokuk	Robert Merlino	ISU	Mechanical Engineering
Monsanto	Muscatine	Somchan Vuthipadadon	ISU	MS/Industrial & Manufacturing Engineering
Omega Cabinetry	Waterloo	Svetlana Korotkova	UNI	MS/Environmental Science
Pella-Carroll	Carroll	James Aberg	UI	Chemical Engineering
ROMECH	Red Oak	Monica Vendan	ISU	MS/Mechanical Engineering
Rousselot	Dubuque	Eric Flower	UI	Mechanical Engineering
Star Building	Monticello	Renee Golinvaux	UI	Industrial Engineering
Terra Nitrogen	Sergeant Bluff	Noah Wiese	ISU	Materials Engineering
Textron Fastening Systems	Decorah	Pieter Beyer	UI	Environmental Engineering
Titan Tire	Des Moines	Policarpio Soberanis	UI	PhD/Industrial Engineering
Tones	Ankeny	David Asuzu	ISU	Mechanical Engineering
VT Industries	Holstein	Amir Shadlu	ISU	Mechanical Engineering
VA Medical Center	Iowa City	Robert Klootwyk	UI	Industrial Engineering

Meeting Locations

The Commission agreed to tour the Neal Smith Wildlife Refuge in Prairie City on Sunday at 4:30 PM, June 19th and then tour the Metro Waste Authority site at 8:30 AM on Monday, June 20th with the EPC meeting directing following on site at 10:00 AM.

Wayne Gieselman mentioned that Francis Thicke has invited the Commissioners out to his organic farm and then we could visit Lake Darling and look at its watersheds. This is one idea for a fall meeting.

Robertson Family Farm

Wayne Gieselman said that Jeannette Lacey made requests today to get things fixed at the Robertson farm. Some of those requests are statutory law and would need legislative action. The staff measured the separation distance and they meet that by four feet.

Jerry Peckumn asked if Tri-Oak was involved, would there be a common management issue?

Wayne Gieselman said that it could be an issue if the pigs where from the same owners. In this case the pigs are from two different sources. In these integrated facilities, there is the guy that owns the barn and then the guy that takes care of the pigs everyday. Management decisions like the pigs diet, marketing, vet care, are not made by the guy who runs the building but by the entity that owns pigs.

Francis Thicke said the community's common understanding is that it's Robertson **Family** Farm. They have been working together at many CAFO's that they have in the area. At first there was common ownership issues, but the Robertson's deeded out part of the land and put into the son's name. Then there was common management concerns, so the DNR asked for proof and what we got was a handwritten statement that says I, Dale Robertson have no common ownership or management with Ryan Robertson. That one sentence is not very definitive in my mind that it's not common management. The neighbors will say that both the family members are farming at both farms, hauling pigs in and out, hauling manure in and out, etc. The management has not appeared to change. A few technicalities may have changed but the management has not. The question is, are they acting as partners? I think it would be reasonable to ask, what really is common management?

Henry Marquard agreed with Francis. I would like to see further investigation of the management at the Robertson farm. It would concern me somewhat if there is common management, then there's attempts to break things into legal pieces to try and get away from the common management to avoid regulations and violations.

Francis Thicke said that there is some disagreement on the floodplain, and whether or not that pit was dug according to the timeframe. According to the neighbors who watched it, the timeframe was not fit. If that was remeasured, taking into account where the spoils were measured or not before. It would be great to have this issue resolved.

Kelly Stone addressed the floodplain issue. There is a concern there since it is in a low line area and close to the floodplain. What Attorney Makeig has brought up, is that if excavation was done prior to the time the surveyors went out and took a cross section of that stream and took photo shots of the buildings to establish the elevation, then potentially some of those shots were taken on a spoil from the excavation. Two things to address that: 1) The surveyors would know not to stick their survey rod on the spoil. 2) The cross section of the stream itself. The cross section is taken off set from the building to the East about 40 feet to the lower site. So it actually

shows lower elevations and at that cross section the spoil site would not be there. In the off set distance from the stream, the elevation was still high enough at that section to not be an issue. Regardless of whether the excavation was done before or after the cross section survey, the results would be the same. The building is not in a 100 year floodplain or the 500 year floodplain.

Wayne Gieselman read the definition from the statute on common management: significant control by a person of the management of the day to day operations of each or two or more animal feeding operations as joint tenant, tenant in common, shareholder, partner, member, beneficiary or other entity interest holder. The majority ownership interest is a common ownership when it is held directly/indirectly through a spouse or dependent child. This is what we look at when we determine common management issues.

Donna Buell asked what is acceptable proof by the DNR that common management is not happening. What kind of proof is needed to determine that a site is or is not under common management ?

Wayne Gieselman said that the one case where we have dealt with a similar issue, we said that we believe common management means the control of the veterinary care, the diet and marketing decisions. We have not gone to the point of putting this into rules, but those are things we will look at.

Henry Marquard said that this commission could come up with a definite definition of common management. What are the emphases of significant control?

David Petty agreed with Wayne that you have your marketing – who gets the check, daily care – who's at the site everyday and feeding – who pays the bill? That would be the basis to what you would look at for common management.

Donna Buell said that she doesn't believe that the handwritten statement stating that the Robertson's are not under common management is significant proof.

Motion was made by Francis Thicke for the commission to ask the DNR to look closer into the facts and circumstances of the Robertson Family farm (confinement operations) and see if there is common management and to report back to the commission. Seconded by Henry Marquard.

Wayne Gieselman clarified that there is one set of buildings, that is a 2,400 head operation. Under the statute, that size of building does not need a construction permit but it does need a manure management plan. The other building is designed for 1,200 head, under the statute that is defined as a small animal feeding operation and is not subject to a manure management plan or any separation distances from a neighbor's house, but I believe there are separation distances for water sources. When you combine the two together, if they were commonly managed, then they are too close. They become one and both would be required to have construction permits and meet the construction standards that are established in the rules. The one building, that by itself didn't even require them to notify the DNR that they were doing it. The second one did require

them to have a manure management plan submitted to us at least 30 days before construction. In both instances, under the law, the buildings by themselves were not required to obtain a permit.

Ed Tormey corrected me that the definitions given previously were not statutory but are definitions in our rules.

<i>Motion carried unanimously.</i>

Heaberlin Farms

Wayne Gieselman addressed the issues that were raised during the public comment:

Dead pigs - Technically and legally we can not take action on a dead pig compliant because it's out of our department's authority, rather the Department of Agriculture and Land Stewardship deals with these issues.

Manure Management Plans (MMP) are not confidential themselves. The application records, where they actually dispose of the manure is a confidential record under the code of the state. The MMP in this case will have to be revised every year. Normally, it's six pigs per acre of land.

Once you hit the 2,500 head threshold, you need to have a construction permit to have built that building. It's not saying that you can't get that permit, it's just that you should have applied.

We don't go out into buildings and count pigs because then we get into all kinds of issues on spreading disease from place to place. We do go by the production records.

We have held one public meeting in the area regarding this situation.

Henry Marquard asked what kind of complaints are received regarding Heaberlin Farms.

Wayne Gieselman stated his opinion that most of the complaints are odors from the buildings and how it effects their quality of life. Currently, we do not have air standards. Iowa has developed a health effects value for hydrogen sulfide coming from livestock.

Legislative Update

Septic Sludge bill

Wayne Gieselman said that they are currently working through some of the concerns. They are trying to require that septic sludge has to go municipal wastewater treatment plants only in counties with 150,000 population.

Commissioner appointment for the Mississippi River Parkway

Liz Christiansen said that both the NRC and EPC are required to have representative to the Mississippi River Parkway Planning commission. This is a multi-state commission that works on the development of the Mississippi River parkway, which includes the Great River road plus adjacent conservation and recreation properties. The Governor appoints a person from each of

the counties along the Mississippi River plus there is required participation from several other commissions. This position would require attending a multi-state meeting twice a year and reporting back to the department and the commission. We will make an appointment at the next month's meeting.

NEXT MEETING DATES

June 20, 2005

July 18, 2005

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 4:10 p.m., Monday, May 16, 2005.

Jeffrey R. Vonk, Director

Darrell Hanson, Chair

Lisa David Cook, Secretary

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